The Outlook

APRIL 18, 1914

LYMAN ABBOTT
Editor-in-Chief

HAMILTON W. MABIE
Associate Editor

THEODORE ROOSEVELT
Contributing Editor

R. D. TOWNSEND
Managing Editor

THE FEDERAL RESERVE SYSTEM

By the enactment of the Currency Bill the Secretary of the Treasury, the Secretary of Agriculture, and the Comptroller of the Currency were constituted *ex officio* a committee to divide the country into not less than eight and not more than twelve regions, and to select in each region the city in which should be located the Federal Reserve bank of that region. Secretary McAdoo, Secretary Houston, and Comptroller Williams have for several weeks been devoting the larger part of their time to this work. It has involved hearings, investigations, and travels throughout the country. Last week they announced their decision.

Elsewhere in this issue of The Outlook will be found a map of the United States showing geographical divisions of these regions, and an account by Mr. Price in his weekly article of the plan's reception by the country. On the whole that reception has been favorable. The report of the Committee is subject to revision by the Federal Reserve Board when that Board is appointed, but there is no reason to suppose that there will be any radical changes made in the bank centers and the regions now selected.

We believe that the passage of the Currency Bill and the establishment of the Federal Reserve System, which will be completed on the choice of the Federal Reserve Board, constitutes the greatest single achievement of the present Administration. It will have an intangible but a profound effect on trade, industry, commerce, and the social development of the country. The ordinary individual who does business with a National bank will find no evidence of a change in his relation to the bank. What will be affected will be the borrowing of money for legitimate commercial uses, the distribution of reserves of cash, and the issuance of bank notes of universal circulation in times of currency stringency. With a few individual exceptions, bankers and financial experts are agreed that the Federal Reserve System now inaugurated will undoubtedly put an end to the purely financial panics and will aid very much in producing general industrial stability. The new system, however, cannot of course prevent industrial depression, and even widespread commercial and industrial bankruptcy, when the ordinary laws of economics are violated.

THE ILLINOIS ELECTION

Interest in the Illinois election centered in the effects of the women's vote. In Chicago, as has already been reported in The Outlook, several women were candidates for aldermanic office. The most prominent of these was Miss Marion Drake, a Progressive, who conducted a strenuous campaign against the notorious "Bathhouse" John Coughlin in the First Ward. Miss Drake was badly beaten, but polled a larger vote than any of her sister candidates.

Apparently the woman's vote, so far as party issues were concerned, had little effect upon the final result. There seems to be little evidence that women voted as women. Apparently they divided along much the same lines as the men. Throughout the State of Illinois there were indeed several women elected to office. From the evidence at hand, however, it would be difficult to say from which sex they derived the bulk of their support. Apropos of the election in Chicago, two prominent suffragists express satisfaction with the result. Miss Jane Addams is reported as saying: "The women have certainly more than justified their possession of the ballot." Mrs. Ella Flagg Young, Superintendent of Schools, said: "The events of the day have shown that there can be no question as to the justification of adding womankind to the number of voters." Miss Addams served as judge on the Precinct Board situated in the Hull House district.

One result of woman suffrage in Illinois

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

was apparently shown in its effect upon the liquor vote. From the early returns, it seems probable that sixteen counties have been added to the list of those that bar saloons. Numerous towns also indicated by their votes the growth of the anti-alcohol movement.

OTHER ELECTIONS

In addition to the peculiar and special interest which invested the Chicago election, there were several other political issues at the polls which attracted National attention last week. The first of these was the defeat in Alabama in the primaries of Richmond P. Hobson by Oscar W. Underwood as Democratic candidate for the vacant United States Senatorship from Alabama. It need not be said that in Alabama a Democratic primary nomination is ordinarily equivalent to the actual election, which follows in due course and beyond question. Mr. Underwood's victory is by a substantial majority, probably somewhere between twenty and thirty thousand, and it is not only an indorsement of his ability as a recognized National leader of his party in Congress, but it carries a rebuke to the sensationalism and lack of responsibility which have marked his opponent's utterances, both in and out of Congress.

In New York State a special election took place on the proposal to hold a convention a year from now to revise the State Constitution. As might be expected, since no other issue was involved, and a very large number of voters had no decided opinion on the question, the vote cast was small—in all, something like 175,000. The majority in favor of revision was something between 40,000 and 50,000. New York City in itself gave a larger majority than this, but that majority was considerably reduced by an opposing vote in the rest of the State. This is to be accounted for by the fact that the plan of revision is essentially a Democratic measure and was strongly opposed by "up-State" Republican leaders.

Special attention and comment have been directed to the election of a Republican, Mr. Dow H. Drukker, as a Representative in Congress from the Seventh New Jersey District, to fill the unexpired term of Mr. Bremner, who died two months ago. It has been said that this Republican success was an indication of general disapproval of the Democratic National Administration; but while this element may possibly have existed to a slight extent, it is evident that a far more potent element influenced the result, namely, the industrial and social stirring up of Paterson and Passaic County by the recent labor troubles. The vote against Mr. Drukker was slightly in excess of that cast for him, and was almost equally divided between the Democratic and the Socialist candidates. In the Twelfth Massachusetts Congressional District, the fact that a Democrat won by a reduced majority has also been cited as an indication of a recession in the popularity of the Administration. Whatever significance of this kind there may be in these New Jersey and Massachusetts elections is more than offset by the great personal triumph of Mr. Underwood, who certainly represents the record of the party at present in power.

In Milwaukee, which formerly was controlled politically by the Socialist party, an anti-Socialist Mayor, Mr. Bading, was re-elected on a non-partisan but anti-Socialist ticket by a majority of about eight thousand. The great increase in the Socialist vote in the New Jersey election and the success of Socialist candidates in Jamestown, New York, and in Missoula, Montana, do not indicate, however, that the Socialist party is on the wane.

THE WAR IN MEXICO

In its way Villa's victory at Torreon was complete, yet as the days went by after his occupation of that railway and strategic center the question became more insistent whether the siege of Torreon and its fall meant quite as much as regards the future progress of the war as had at first appeared. Many military critics have held all along that Huerta's policy was to avoid spreading out his forces in the north, to draw Villa more and more away from his base of supplies, and finally to crush him before he came within reach of the capital. (Torreon, by the way, is over five hundred miles from Mexico City, not a hundred and fifty miles, as was inadvertently stated in these pages.) General Velasco's defense of Torreon was obstinate, and the fighting on both sides was fierce and protracted. Yielding to the attack, General Velasco nevertheless succeeded in withdrawing most of his efficient forces in such a way as to threaten serious embarrassment to Villa in the future. Instead of going southward towards the capital, Velasco escaped in the direction of Saltillo to the east, and Villa's attempt to arrest the retreat failed. Soon it appeared that Federal reinforcements were

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

pouring into Saltillo, and an advance from that place upon Torreon seemed imminent. Evidently Villa cannot continue his advance upon Mexico City until this threatening movement from Saltillo is dealt with, and it is quite within the possibilities that Villa may ultimately be compelled to fall back from Torreon. At all events, if Huerta's repeated assertions that his campaign has hardly begun have any force in them, he still has a strong position and large possibilities of defense.

As fuller accounts of the battle at Torreon came in, it was evident that the manner of fighting was, from the military point of view, unscientific and bloodthirsty. One is reminded of the wars of two centuries ago when hand-to-hand combat and close-range firing were features of every battle. In Mexico the combatants have modern weapons, but do not know how to use them with precision. A correspondent of the New York "Sun," who saw the fighting throughout, says that it "held none of the glamour of war, none of the romance, and all its horrors. The entire fighting was like a bar-room brawl, bloody, with no gleam of science to relieve its sordidness."

This view of Mexican methods of fighting emphasizes the growing belief that there has been exaggeration in the prevalent idea that military intervention on the part of the United States would mean a prolonged military campaign and frightful loss of life on our part. No doubt it would be a long while before all Mexico could be made absolutely peaceful; but the military opinion in this country seems to be confident that the superiority of our military knowledge, training, and organization is such that if we find it necessary to enter Mexico it would be a comparatively easy military task to obtain possession of the capital and the chief strategic points.

The Benton case will not down. Last week it came to the front again in an apparently authorized summary of the forthcoming report of the Commission appointed by General Carranza on the Benton case. This report declares that Benton was neither shot by Villa nor executed after a military court martial, but was shot and killed by Major Rodolfo Fierro, who was taking Benton on a train from Juarez, Chihuahua, at Villa's order. This sounds very much like an application of what is called in Mexico the *ley de fuga*—the atrocious but too common custom of killing a prisoner and then reporting formally that he had been shot when attempting to escape. If this is the fact, it makes a very poor defense, for it leaves Villa still in a position of suspicion as to criminal complicity, and convicts him of abominable deceit in officially publishing a forged account of the proceedings of a court martial which never took place.

UNCLE SAM'S MEXICAN REFUGEES

When General Mercado, who was in command of the Mexican Federal troops at Chihuahua, heard that the insurgents were coming to take the city, he evacuated long before they arrived and marched his army to Ojinaga, close to the American line. The insurgents followed him and literally drove him into the United States, where Mercado and his army were "arrested" by United States troops. Thus, on account of the principle of international law which holds that whenever combatants on either side invade the country of a neutral nation they shall be made prisoners by that nation, Uncle Sam is the unwilling custodian of 5,200 Mexicans. They are now at Fort Bliss, in southwest Texas. The following account of conditions at this camp comes to us from Mr. Charles Stelzle, who lately visited it. Mr. Stelzle says:

"It is rather a remarkable situation. The United States doesn't want the prisoners and the prisoners don't want to remain as its guests, but Uncle Sam cannot bid them *adios* without getting into serious trouble. If the prisoners were to be liberated and requested to step across the border into Mexico, Villa's men would make short work of them. And if they were to be shipped by the United States into territory occupied by the Federal troops, we might get into difficulties with the Constitutionalists.

"The Mexican Refugee Camp at Fort Bliss is a testimony to the efficiency of the United States army, from the standpoint of organization, discipline, sanitation, and—what is rather unique in a soldier's life—human kindness. The moral effect upon the refugees will be a wholesome one. They must go away with a new conception of what the United States stands for. In the long march towards Fort Bliss many of our soldiers gladly and without orders gave up their horses to their women and children prisoners and themselves trudged along in the dusty road. They did this, too, at the risk of having their personal effects covered with vermin.

"When the Mexicans arrived at the camp,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

which had been got ready in an incredibly short space of time, they were nearly all barefooted and ragged, and without money or food. They had been on the road about a month. There were about 3,800 men, 1,200 women, and 500 children. This number has since been somewhat reduced. The Mexicans have a curious custom of taking their families to war with them, the women constituting the commissary department of the army. As the women marched along the road, they picked up pieces of wood and carried them to camp. But when they reached the camp and saw great stacks of wood piled up, they gave a shout of joy. And when one of them turned on a faucet on the main street and they saw the water gush out, they were in raptures and literally danced with delight. After the army had been placed in camp—the tents being the same kind used by the United States soldiers—the women immediately 'set up' housekeeping. They roamed the confines of the camp to find scraps of iron, nails, tin cans, and anything else that had any substance, and performed a miracle by creating a home with every Mexican convenience. The men built adobe houses and ovens, and inside of a few weeks the entire company settled down to family life."

THE ORGANIZATION OF THE CAMP

Our correspondent adds some interesting information about the way in which this novel camp is carried on:

"General Castro is now in command of the refugees, General Mercado having been deposed by the Mexican Government. Castro's word is law inside the fourteen-strand barbed-wire inclosure. Indeed, this is a regularly organized army inside this curious prison. But the man directly in charge is Colonel R. H. R. Loughborough, a veteran army officer, who is running the camp in a spirit of kindliness. He came, however, two months after the camp was established, the refugees coming early in January. The original organization was perfected by Lieutenant-Colonel Frederick Perkins. Major C. J. Manly is sanitary officer and Captain Estes is executive officer of the camp. Captain J. T. Axton is chaplain. These men and those associated with them have done a piece of work which deserves strong commendation. They were compelled to deal with people whose habits of living, whose food, and whose general standards were entirely different from ours. But in spite of this the camp is a model of cleanliness, and the refugees are surprisingly good-natured.

"The death rate is incredibly low. While there have been thirty deaths since the camp was established, twenty of these deaths occurred during the first month, and were mostly the result of conditions before the army came into camp. Three of these deaths were of infants still-born; six patients died of smallpox, all of the latter dying during the first month; thirteen died of tuberculosis; and two from wounds, one of which was a woman. There were no deaths from typhoid fever. The present death rate in the camp is probably as low as it is in the average city in this country.

"What about the cost of maintaining the refugee camp? The expense of establishing it amounted to about $54,000, this including the cost of tentage, water system, stockade, electric lights, bath-house, and other incidentals. From January 21 to March 29 operating expenses amounted to $16,345 for wood, $2,600 for straw, and $18,000 for various items; $800 is spent every month for water and light; 600 pounds of soap are used each month, the sanitary department insisting that the refugees take three baths a week. The amount to be spent for food during April will probably total $29,000, or 148,000 rations at 19 cents per ration—a 'ration' meaning a day's food. The total expenses of equipment, operation, and food to the end of March were about $150,000."

We do not see how any American can read this account without increased pride in the United States army and a quickened appreciation of the constructive value of our military establishment.

THE NEW CHIEF OF STAFF

Major-General William W. Wotherspoon is to be the new Chief of Staff of the United States army. He succeeds Major-General Leonard Wood, who, on the expiration of his four years' term of office, retires, and will command the Department of the East, with headquarters at Governor's Island, in New York Harbor.

The significance of the selection of General Wotherspoon will be seen in the fact that it assures the continuance of the present policies of the General Staff. General Wotherspoon has been serving with the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

General Staff intermittently for ten years, and has had a very considerable part in shaping its programme with regard both to army legislation and to administrative policies.

Unfortunately, General Wotherspoon must retire from active service because of age next November. He will thus have only a comparatively few months to serve as Chief of Staff. In this connection, therefore, President Wilson's nomination of an Assistant Chief is of great importance, because it is assumed that the Assistant Chief will become Chief, just as General Wotherspoon has succeeded General Wood. The new Assistant Chief is to be Brigadier-General Hugh L. Scott, now commanding our troops at El Paso. It is supposed that on General Wotherspoon's retirement, in November, General Scott will be promoted to be a Major-General. In this connection it is interesting to know that General Scott was promoted from the grade of Colonel to be a Brigadier just a year ago, being the first army officer to receive promotion at the hands of President Wilson.

General Scott has seen long service in the cavalry arm of the service, and for four years was Superintendent of the Military Academy at West Point.

MAJOR-GENERAL WOOD, THE RETIRING CHIEF OF STAFF

As he retires from the position which Major-General Wotherspoon is now about to assume, Major-General Leonard Wood should be made aware of the high esteem in which his countrymen hold him and of their appreciation for his great service as Chief of Staff. In time of peace the army of such a country as the United States is not conspicuous; the work it does is largely without observation, and the contribution which its most influential officers make to the country's progress is not widely known. Nevertheless, we believe that Americans generally have a very distinct impression of the character, ability, and services of General Wood.

He is the kind of army officer that we like to think is distinctively American. He has done much to show what the army of a non-military people, a self-governing nation, ought to be. One instance will suffice to indicate the spirit that has governed him. We refer to the institution under his authority of military camps for college students.

Last summer two of these student military camps were established—one at Gettysburg, Pennsylvania, the other at Monterey, California. At these camps seventy-seven different colleges and universities were represented. For five weeks, at each of these camps, students engaged in real military work, and had the benefit of military discipline and instruction. The experience was beneficial not only on account of the wholesome life in the open air, but on account of the training in orderliness, obedience, self-control, and efficiency. The instruction was such as to qualify the student who went through the course to receive a certificate and establish a record that will be of value in case his country needs his services in military duty. Moreover, these college men derived from the encampment first-hand acquaintance with army methods.

What these camps mean to the country can hardly be overestimated. In an aristocratic nation, with a large standing army and with traditions of military dominance, the army can be, and almost necessarily must be, aloof. But in a democratic country, in which the army is the instrument and servant of the people, there ought to be a close connection between the people and their army organization. As is pointed out in an editorial on another page, Americans, as a non-military people, ought to understand their army, and, conversely, their army ought to be an educative force for enabling the citizens to be prepared for military service themselves in time of necessity. This is the democratic ideal of the soldier's function, and it is this ideal that has actuated General Wood. To quote his own words:

> The ultimate object sought is not in any way one of military aggrandizement, but to provide in some degree a means of meeting a vital need confronting us as a peaceful and unmilitary people, in order to preserve the desired peace and prosperity through the only safe precaution, viz., more thorough preparation and equipment to resist any effort to break such peace.

Much as General Wood has accomplished in increasing the efficiency of the army and improving its organization, he has done nothing more noteworthy than inculcating this democratic ideal for the army of the United States. And as he goes to his post at Governor's Island, in New York Harbor, he will bear with him the honor of every one who values this ideal.

The portrait of Major-General Wood, of which we print on another page a photographic reproduction, has an interesting his-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tory. When Mr. John S. Sargent came to this country several years ago to paint the portrait of the President of the United States, he found among the guests at the White House a subject that interested him greatly — General Wood. Mr. Sargent could not help painting General Wood's portrait. The result was one of the masterpieces of one who has been called the greatest portrait painter of our time.

THE NAVY GOES DRY

Not by popular vote, but by executive decree, the navy has "gone dry." On April 5 Secretary Daniels, on the recommendation of the Surgeon-General of the Navy, issued the following order:

> The use or introduction for drinking purposes of alcoholic liquors on board any naval vessel or within any yard or station is strictly prohibited, and commanding officers will be held directly responsible for the enforcement of this order.

Naturally so drastic a measure has excited no small comment of a satirical nature. A large portion of the press has viewed this order merely as another example of what has come to be called "grape-juice diplomacy." Viewed without prejudice of custom or tradition, however, this order may be defended on two grounds: one, efficiency; the second, democracy.

Not for many years have the enlisted men of our navy been permitted to drink intoxicating beverages aboard our ships. The days when sailors were served with grog (extra allowance being given in time of storm or action) have long since passed. The practice was abandoned not entirely because of the excesses encouraged, but because it was found detrimental to the every-day efficiency of our seamen. With the enlisted men denied personal liberty in this direction, the permission granted to officers to maintain a wine mess became at once, and has continued to be, an unnecessary privilege, open to the charge of being inconsistent with democratic ideals, and to some extent, perhaps, subversive of the spirit of discipline.

On the score of efficiency it can be urged that any use of alcoholic liquor has a decided effect upon those time reactions between brain and hand that play so important a part in the determination of fitness for responsibility in positions in which emergencies are the rule rather than the exception. Officers of the navy are directly responsible for the lives of so many men and of such valuable property that anything which even slightly impairs their potential efficiency must be looked upon with grave concern. Nothing in the order of the Secretary interferes with the personal liberty of officers when not on duty.

The Outlook supports the order of Secretary Daniels with full consciousness of the embarrassment to which it will subject our naval officers when receiving or returning the hospitality of foreign fleets. It is hard for any one unacquainted with the customs and traditions of foreign nations to realize the annoyance which this order will produce. Nevertheless, we hope and believe that American naval officers will loyally endeavor to make the order, which of course they will have to obey, a practical success, commanding the respect even of their foreign guests.

In the past our officers have had to pay for the hospitality they have offered, even in their official capacity, to the guests on board the ships of our navy. It might serve as some mitigation of the annoyance necessarily caused by this order of Secretary Daniels if Congress were to provide our officers, out of the public funds, as is the European custom, with an adequate allowance for the entertainment of foreign dignitaries. It is not right that our officers should be forced to pay for hospitality extended in behalf of the Nation.

WINTHROP MORE DANIELS INTERSTATE COMMERCE COMMISSIONER

In spite of vigorous opposition, the Senate confirmed, on Friday, April 3, the nomination of Winthrop More Daniels to the Inter-State Commerce Commission. Rarely has the confirmation of a Presidential appointment had such wide significance.

In the first place, it illustrated anew the extraordinary influence which President Wilson has over the Senate. In this case the demonstration of this influence was emphasized by the extraordinary fact that the appointment was confirmed in spite of the opposition of a Democratic Senator from the appointee's own State. Senatorial courtesy ordinarily recognizes such opposition as that to be insuperable. The fact that it proved not to be insuperable in the case of Mr. Daniels may be attributed to the President's power.

In the second place, the debate over this appointment was really a discussion of an

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

important question of public policy. Mr. Daniels, as Chairman of the Public Utilities Board of New Jersey, had committed himself to the view that in fixing the rates to be charged by a public utility the Board should recognize the right of a corporation to a fair return upon not merely the actual investment made, but upon the additional value of its intangible property, such as good will. There is a group of Senators who believe that this view is contrary to the public welfare, and who hold that a public utility has no right to anything more than a fair return upon the physical valuation of its property. These Senators, therefore, opposed Mr. Daniels's appointment, not on personal grounds, but because they felt that in helping to fix the rates on inter-State railways he would be guided by a principle which, in their opinion, was unsound.

The confirmation of Mr. Daniels's appointment may therefore be regarded in some measure as a defeat of this view concerning railway rates, though it may be that Senators voted for the confirmation of his appointment who were not opposed to that view of rates, but were simply willing to trust Mr. Daniels's intelligence and fairness.

In the third place, the discussion over Mr. Daniels's appointment has raised anew the question of secret sessions in the Senate. It has been the custom to exclude the public from the sessions of the Senate in which appointments are discussed. Several Senators hold that there is no good reason for this; that the public ought to know the grounds on which appointees are opposed or approved; and that, in such a case as this, when a matter of public policy is involved, it is contrary to the principles of popular self-government to hold the debate in secret. The proposal to abandon secret sessions except in the discussion of foreign affairs was, soon after the vote on Mr. Daniels's appointment, brought before the Senate, but was defeated by a majority of one vote.

Mr. Daniels is a graduate of Princeton of the class of 1888, and from 1892 to 1911 was in the Faculty of that University, finally becoming head of the Department of History, Politics, and Economics. He resigned his professorship when appointed by Mr. Wilson, then Governor of New Jersey, to the New Jersey Public Utilities Board.

Those who have opposed his appointment, as well as those who approved it, recognize Mr. Daniels as qualified both in character and in intellectual equipment for his position.

A few weeks ago The Outlook recorded the appointment of Mr. Henry Clay Hall as a member of the Inter-State Commerce Commission. The selection of these two men, Mr. Hall and Mr. Daniels, maintains the high standards which have been set by former Administrations.

ARTHUR WOODS
POLICE COMMISSIONER

The failure of his police bills destroyed Mayor Mitchel's last hope of securing Colonel Goethals for Police Commissioner of New York City. Commissioner McKay, who was promoted to his present position from a deputy-commissionership upon the enforced retirement of Rhinelander Waldo, has now resigned, and, as a substitute for the Commissioner he first desired, Mayor Mitchel has appointed Arthur Woods, his private secretary. The appointment of Mr. Woods seems to The Outlook an admirable choice. He is energetic, experienced, and a man with high civic ideals.

Like the majority of those at the head of the Fusion government, Mr. Woods is a young man. He graduated from Harvard University in 1892. He has acted as Secretary of the Citizens' Committee on Police, and has made a study of English methods of police administration. Under General Bingham he served as Fourth Deputy Police Commissioner, in that capacity having supervision of the Detective Bureau, the Bureau of Repairs and Supplies, and the school for recruits.

The problem that confronts Mr. Woods is, as every one is ready to admit, one of the most difficult with which any government official in this country has to deal. Even the basic and elementary phases of the work before him present problems the solution of which demands almost statesmanlike intelligence.

The first function of a police force is to maintain order. Order in a city like New York cannot be secured without at least a display of force. During the administration of Mayor Gaynor The Outlook found frequent occasion to censure those in control of the police because of their failure to recognize this fact. Mayor Gaynor's anti-clubbing order, intended to promote peace and order, encouraged both brutality and disorder.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The question of where the line should be drawn is indeed a difficult one, and one which no Police Commissioner can be said to have solved to complete satisfaction. At the moment at which Commissioner Woods assumes office there is some convincing evidence that the pendulum has swung too far back from the policy of Mayor Gaynor.

Recently in Union Square, New York, under the auspices of the Central Federated Union of the American Federation of Labor, there was called a mass-meeting to protest against police treatment of the copper-mine strikers in Calumet, Michigan. On the same day the Committee of the Unemployed, composed largely of members of the Industrial Workers of the World, had advertised a meeting in the same Square. According to an eye-witness, when these members of the Industrial Workers of the World, finding the Square pre-empted by the American Federation of Labor, started to disperse, mounted police, detectives, and patrolmen attacked their leaders with clubs and blackjacks. One man, O'Carroll by name, was beaten so badly on the back of the head that five stitches were necessary to close the wound. Probably his life was saved only by the intervention of a woman companion. When he was brought into court by the police, he was immediately discharged, the Court believing that he not only did not fight but had no chance to fight. O'Carroll is undersized, in the first stages of consumption, and his hands unfit for use, having been twisted by a detective on the occasion of a previous arrest. Of the others arrested for alleged violence and rioting, only one was fined by the Court for disorderly conduct.

Disapproval of the methods and purposes of the Industrial Workers of the World, so far from affording an excuse for brutal police conduct, should make the police authorities the more scrupulous in seeing that the rights of such people are maintained.

Commissioner Woods, if his Department is to win and retain the support and sympathy of the public, will have to mark out some course for his subordinates—a compromise between the impotency of the police under Gaynor and Waldo and such brutality and injustice as were manifested in the handling of the crowds in this meeting in Union Square. It is unfortunate that, with such a problem to solve, Commissioner Woods will be handicapped by the archaic police laws which the Legislature refused to correct.

AT WORK AGAIN

The author of "Alice in Wonderland" invented the happy phrase "un-birthday present" to describe a gift given spontaneously and without reference to a special time, and Mr. Howells has humorously described the result of enforced conventional giving at Christmas time. The newspapers are in the habit of paying tributes to men when they are no longer able to read them. It is better to recognize a man's work while he is doing it; to give him the sense that that work is not without appreciation; and to bring before the public a man who is rendering constructive service to the community. This might, perhaps, be called a vivituary, as contrasted with an obituary, comment.

These are our reasons for printing elsewhere in this issue the portrait of Dr. Edwin A. Alderman, President of the University of Virginia, who, after a year of successful rest and recuperation in the Adirondacks, is shortly to resume his work with renewed vigor and take his old place among the most influential leaders of the South today. For many years Dr. Alderman has been lavishly pouring out his vigor in the endeavor, not only to stimulate interest in education through the South, but to define the ideals of the new age in that section. Those who have heard him speak know how happily he combines the qualities of the old and the new order. He is eloquent without being rhetorical; he has the power of arousing the emotions without playing upon them; he is the very opposite of those Southern orators whose language runs beyond their ideas. Dr. Alderman always has something to say, and has the power of saying it with charm of style and delightful naturalness and ease. He was one of the little group of men from the University of North Carolina, among whom was the late Dr. McIver, who years ago inaugurated an educational campaign in the South. They were the prophets of that new day which has come in Southern education, forerunners of a great educational renaissance, to which they may be said to have given the initial impulse. As President of Tulane University, and later as the first President of the University of Virginia, Dr. Alderman has long held a foremost place among the group of men who represent

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the South at its very best. The recovery of health which permits him to return to activity is a matter for National congratulation.

LILLIAN M. N. STEVENS

Sixteen years ago, when Frances Willard, first President of the Woman's Christian Temperance Union, died, she was called by Lady Henry Somerset, in an article written for The Outlook, "the best-loved woman in the United States." That affectionate regard which surrounded Miss Willard, the idealist and prophet of the advancing work of women for temperance and humanity, has in large measure gathered about her successor. Mrs. Lillian Stevens, who died in her native State of Maine last week, was once described by Miss Willard as being "as sweet and wholesome as her own pine woods." Her spirit was fine and gentle, and her methods conciliatory rather than dictatorial.

As an organizer and a practical, persistent, efficient worker Mrs. Stevens was a remarkable woman. During Miss Willard's life Mrs. Stevens and Miss Anna Gordon, who now succeeds Mrs. Stevens, temporarily at least, as head of the organization, were Miss Willard's closest and most beloved fellow-workers. Mrs. Stevens took part in the early Ohio crusade, about forty years ago, out of which the Woman's Christian Temperance Union grew, and the year after she founded the Maine branch. She filled almost every office in the association at one time or another; was elected President regularly, year by year, since 1898, and was also repeatedly an active representative from her State in the National Conferences of Charities and Correction and a participant in many other forms of philanthropic effort.

Her faithfulness, devotion, and sincerity were intense, and endeared her to all who shared her purpose and convictions.

THE GOVERNMENT AND THE MINER

The miner is not jealous of the farmer, but he does feel that the Government, which is so lavish in spending money for the benefit of the man who works in the fields, ought to do a little more to improve the lot of the man who works underground. Thirty cents for every man, woman, and child in the United States is devoted each year by the Government to the assistance of the farmer. Through the Bureau of Mines the miner is now asking for an appropriation that would amount approximately to one cent for each inhabitant. The Bureau has estimated that within the last ten years thirty thousand men have lost their lives in the mines, while every day minerals worth more than a million dollars go to waste through carelessness. With the money for which it is asking the Bureau thinks that it could prevent much of this waste both of money and men.

Through lack of resources the Bureau, since its establishment three years ago, has been obliged to confine its efforts largely to bettering conditions in the coal mines, and, though even there it has been restricted mainly to the prevention of explosions, it has substantially reduced the death rate from accidents. The Bureau now proposes to study the prevention of other accidents, particularly cave-ins, which are responsible for the death of more miners than any other cause, and to extend its propaganda, for safety and the elimination of waste, to the metal mines.

Perhaps the most interesting part of the plea which Joseph A. Holmes, the Director of the Bureau of Mines, makes for a larger appropriation is that which relates to the extension of mine rescue work. The Bureau has found that for this work mine-rescue cars are superior to fixed mine-rescue stations. Each car would be in charge of a competent mining engineer, who, besides directing the work of rescue in case of mine disasters, would give illustrated lectures to the operatives on safety problems, and would also make an examination of each mine and report to the mine-owner and the Director of the Bureau of Mines as to possible improvements in regard to life-saving apparatus and the elimination of waste. Also on each car would be a surgeon to instruct the miners in first-aid practice, examine them for their fitness for rescue work, and deliver illustrated lectures in the mining camps on the sanitation of mines and personal hygiene.

In many of the States the mine-owners and the miners themselves, who are anxious to do their part in making mining safer and more economical, are being held up while they wait for the National Government to do the necessary preliminary work, according to the Director of the Bureau of Mines. "Meanwhile," he notes, "every day of our progress in mining involves ten deaths and nearly fifty serious injuries among

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the men who contribute to our comfort and to our National prosperity by their labor underground."

THE SERVICE

The United States is not a military Nation. The officers of our army and navy readily not only admit the truth of this statement but are themselves stout defenders of that National ideal which the existence of this truth implies. To say that we are not a military Nation is not to say that we lack either the physical courage or the tenacity of purpose necessary to prosecute a great war. To point out the fact that we are not a military Nation is not to infer that we should set out to become one. It is quite possible for a non-military nation devoting itself wholeheartedly to the industries of peace and the organization of a democracy to entertain an intelligent interest in military affairs and a wholesome comprehension of the value of military traditions and ideals.

This is a possibility, by the way, which the United States has never realized, despite the costly lessons of the past. We have not only denied to our army and navy the equipment necessary to their full usefulness, but by civilian interference we have repeatedly blocked the course of proper military discipline. We have been generous to a fault (and a very serious one) in giving our army numerous and elaborate posts which it did not wish, and, to our navy, yards that it does not need to maintain; and meanwhile our navy is dropping, rung by rung, or rather Congress by Congress, down the abrupt ladder of world fleets; and our army, with the possibility, if not the probability, before it of having to solve the most serious problem that it has met for the last half-century, is left without adequate *matériel* and with no provisions for a trained reserve.

Even if we have learned within the last decade to appreciate, in a measure, the most obviously constructive activities of the engineers of the army and navy—thanks largely to the success of the Panama Canal—as a Nation we still comprehend little of the real meaning of those military ideals and traditions that brought Colonel Goethals and his co-workers into the service. These men are not exceptions to, but the normal products of, the military organization to which they have devoted their lives.

Is it too much to ask that we give a little study and consideration to the ideals and traditions that made their accomplishment possible?

How far from appreciating the necessities and demands of military discipline an American can drift may be judged by the following quotation:

"It is a reproach to the American people that, in time of peace, they look lightly upon the crime of desertion!" It was an officer of the army who said this. It is the view-point of the army. The army is not curious as to why men desert, but only curious as to why Americans do not turn themselves into a nation of . . . gum-shoe man-catchers to return to the army prison cell and hard labor young men who are guilty of the crime of throwing up their job. For that is all there is to deserting the army in times of peace. This superstition as to desertion being a crime survives in only two industries—among those who go down to the sea in ships and those in our army.

The above is a typical passage taken from a series of five articles by Charles Johnson Post which has recently appeared in "Harper's Weekly."

We do not care to enter into a general discussion of these articles, but perhaps they may be used as a peg on which to hang this brief comment on certain problems that confront the officers in our army and to show what certain varieties of civilians are doing to make the solution of these problems more difficult for those most concerned. Certainly, however, a correction of at least one statement in the above quotation should be made. Mr. Post says that the superstition that desertion is a crime lingers only in the army and on the sea. Despite the general ignorance of army problems to which we have already referred, he is mistaken, we think, as to the geographical distribution of this particular military superstition. It lingers, we are inclined to believe, wherever men and women have a proper regard for the sanctity of an oath or the slightest understanding of the fact that a responsibility can be assumed as well as a privilege enjoyed. A soldier assumes with his uniform certain definite obligations vitally different from those of a civilian who accepts a job. The civilian's value to his employer generally depends upon what he does day by day. The soldier's value to the Nation depends upon what he promises and is able to perform in the unforeseeable emergency of war. A soldier cannot throw up his job in "time of peace" for the simple reason that, so far as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

his work and training are concerned, he can never consider himself "at peace." The closer the army can be kept to a war footing in efficiency and personnel, the better service it is rendering to the Nation. The watchman who strolls off and leaves a road unguarded which lies in the path of a possible blast of dynamite is guilty of criminal negligence, to be extenuated by no amount of sentimentality. The stroke oar who decides to throw up his job on the eve of a race (while, of course, the crew of which he is a member is still "at peace") might not be guilty of an indictable offense, but we are inclined to believe that he would not find his college town a pleasant place of residence. We hope that the "superstition" that desertion is something more than throwing up a job will last as long as the army itself.

Still another typical example of how military discipline may be misunderstood by one with little or no conception of its purpose or effect may be cited from these same articles by Mr. Post. He quotes and attacks, for instance, the findings of a general court martial which sentenced an officer for a very serious offense to be reprimanded and confined to the limits of his post for six months. In explanation of his belief in the inadequacy of this sentence, he says: "A post is a complete social community, so the hardship to the officer is purely rhetorical." "The breaking of Dreyfus's sword and the cutting of the insignia of rank from his uniform," we can imagine Mr. Post writing (had he been asked to report a certain historical incident), "did no injury to his person, so the hardship involved was purely rhetorical." Even granting that the sentence given this particular officer was inadequate, it must be added that any writer capable of such a comment certainly possesses a naïvely distorted idea of the meaning of honor, either civil or military. To launch a sweeping attack upon a fundamental institution such as the court martial because it falls short of perfection is a sadder commentary upon the intelligence of the critic than upon the efficiency or the morale of the two arms of the service.

To say this is not to deny that there will always be a legitimate field for constructive criticism of either arm of the service. Criticism can never be classed under that head, however, which does not take into consideration the sincere and whole-hearted efforts which our officers are constantly making for the solution of the problems which confront them.

We do not in the least believe that the army has been as blind to its shortcomings and problems as some of its critics profess to believe. The question of desertion, its cause and remedy, the revision of the military code (the final responsibility for which, by the way, rests upon Congress), the attitude of young officers towards their men, the question of the so-called unmilitary work required of privates in barracks and mess—these and many other problems the officers of the army, so far as we have been able to observe, have made no attempt to dodge or conceal. Most of them, indeed, can be found adequately discussed in the public reports of the War Department.

It would be strange indeed if the picked officers of our army and navy, voluntarily giving their lives without hope of any great financial reward to arduous and hazardous duty, to the control of an exacting code of discipline, and to the patient and untiring service of a Nation largely ignorant of its own military and naval necessities, should fail to measure up, so far as is humanly possible, to the responsibilities of their position. If such were the case, there would be little hope for the honesty of the average civilian.

SOME TRUST APHORISMS

In view of the references in Mr. Price's article on another page to the problems involved in monopoly, competition, and Government control of corporations, we take this occasion to restate certain general principles which The Outlook has long held:

Private monopoly is intolerable.

Mere combination is not monopoly.

The tendency towards combination is an inevitable and wholesome tendency.

The way to prevent private monopoly is not to dissolve combinations, but to remove from private hands the power to do those things which create monopoly—namely, to fix prices, to restrict output, and to deteriorate quality. (This is the definition of monopoly by the Supreme Court of the United States.)

Dissolution through suits at law is sometimes necessary, but it must not be mistaken for control of corporations or prevention of monopoly.

Where combination is possible, competition

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

is impossible. (This is a saying of George Stephenson, the father of steam railways.)

Bigness is not badness.

Unfair competition is often the predecessor of monopoly.

The prevention of unfairness is a problem of administrative regulation.

The enforcement of competition cures nothing.

The prevention of monopoly is better than its cure.

So long as the Anti-Trust Law is on the statute-books, it should be enforced.

A reasonable interpretation of that law is the only kind of interpretation that is tolerable.

Where regulation is effective, combination is not to be feared.

Regulation is not a synonym for repression.

The object of regulation is not only the prevention of evils but the promotion of efficiency.

SOUTH AMERICA AND THE MONROE DOCTRINE

At the forthcoming meeting of the American Society of International Law at Washington (April 22 to 24) there will be for three days a discussion of the Monroe Doctrine. Our views on the Monroe Doctrine have been requested by Professor Blakeslee, of Clark University, who is to present a paper on that occasion. Our readers may be interested in these questions and our answers. We here present them:

THE QUESTIONS

I. Should the Monroe Doctrine, as now generally understood and interpreted in the United States and in Latin America, be continued without either modification or further definition?

II. Does it need clearer interpretation?

(*a*) For the people of the United States?

(*b*) For the people of Latin America?

III. Should the stable Latin-American states (at present Argentina, Brazil, and Chile) be regarded by the United States as supporters of the Monroe Doctrine?

(*a*) Should this support be limited to the defense of their own lands from European conquest; or

(*b*) Should they be invited to cooperate with the United States in interpreting and enforcing the Monroe Doctrine wherever it may apply on this hemisphere?

IV. Should it be abandoned?

(*a*) Entirely?

(*b*) Below the equator? or

(*c*) Only so far as concerns the stable Latin-American states (Argentina, Brazil, and Chile)?

V. Other views, comments, and reasons, if any.

THE ANSWERS

I. It is inconceivable to us that a policy of any sort can be continued without being subject to change. Even the statute laws, though remaining unamended on the statute-books, are, as a matter of fact, constantly subject to change through the interpretations of the courts. The Constitution of the United States, wholly apart from the amendments which have been made to it, has been changing and developing. Of course such a policy as that originally enunciated as the Monroe Doctrine has been changed in the course of the years, and will continue to change. Like everything else that has to do with living things, it is subject to evolution. No power on earth can prevent such evolutionary modifications.

II. The Monroe Doctrine certainly does need clearer interpretation for both (*a*) the people of the United States, and (*b*) the people of Latin America. In this, however, the Monroe Doctrine does not stand alone. Our whole current history needs clearer interpretation. Indeed, it is one of the signs of civilization in a country that there are interpreters of that country to itself. The stagnant countries are those whose common people have no adequate means of information and interpretation. It is one of the functions of a statesman to be an interpreter, as it is one of the functions of the newspaper. In particular, the Monroe Doctrine needs intelligent interpretation to the American people, because circumstances have not made it necessary for them to think very much about foreign affairs. We have reason to believe, judging from the utterances of some prominent South Americans, that there is need in South America also of an intelligent interpretation of the Monroe Doctrine.

III. We believe that Argentina, Brazil, and Chile ought to be supporters of the Monroe Doctrine if for no other reason than that of self-interest; and we believe that in any action which the United States takes it ought to assume that these three great republics of the South are in fact supporters of that Doc-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

trine. (*a*) This support of the Monroe Doctrine by these three great republics should emphatically not be limited to the defense of their own lands from European conquest; for they are as much interested as we are in keeping the Western Hemisphere free from European entanglements. (*b*) We therefore emphatically believe that whenever the United States has occasion to interpret and enforce the Monroe Doctrine the United States should take it for granted that it has the approval of Argentina, Brazil, and Chile, and in any instance which involves or may involve intervention the United States ought to invite their co-operation.

IV. It follows from what we have said that the Monroe Doctrine should not be abandoned in any respect. (*a*) Of course it ought not to be abandoned entirely. (*b*) To abandon it below the equator would be equivalent to saying to Argentina, Brazil, and Chile that, whereas we would want them to co-operate with us in enforcing the Monroe Doctrine in our own neighborhood, we should have nothing to do with co-operating with them in enforcing it in their neighborhood. The mere statement of that proposition is enough to show that it is untenable. To propose that it be abandoned as far as concerns the stable South American states—Argentina, Brazil, and Chile—is to assume that the Monroe Doctrine remains merely a policy of the United States, whereas it is, or ought to be, as much a part of the policy of those three countries as of our country.

V. We believe that the Monroe Doctrine, so far from being abandoned or becoming obsolete, is going to become more and more an important factor in international affairs.

A GOOD SIGN

William Barnes, Jr., is regarded as the most powerful political manager in the Republican party. He is certainly one of the most powerful political managers in the United States. He has never pretended to conceal his opposition to measures which have for their object the extension of popular control over party organizations. He has shown himself time and again to be an astute and resourceful leader of what is known as the "machine" in his party; that is, the well-drilled body of men who make politics a vocation.

He has brought suit against the Superintendent of the Anti-Saloon League of the State of New York for calling him in an open letter the "boss of the liquor end of the Republican party." Mr. Barnes objects to the word "boss" as an opprobrious term as applied to those who through "domination and control" of nominations and appointments "improperly, immorally, and illegally influence, or attempt to influence," party representatives in public office "to perform acts in violation of their oath of office and against the general welfare," subordinating their wills to the will of the "boss."

We do not believe Mr. Barnes is right in declaring that this is the exclusive meaning of the word "boss," as commonly understood. His action, however, is a welcome index to a change in public sentiment. It was not so very long ago that the term "boss" was widely regarded as complimentary. The man who was called a "boss" was inclined to be proud of the title as a tribute to his power. Mr. Platt, Mr. Barnes's predecessor as the dominant Republican in New York politics, was known as the "Easy Boss," and no doubt the title gave him gratification. Now Mr. Barnes, who has never been accused of being thin-skinned or supersensitive, objects not only to the term the "boss of the liquor end of the Republican party," but even to the simple title "boss." He apparently believes that the thing for which that term stands has become a reproach. His suit is an acknowledgment on the part of an adroit political manager that public sentiment during the past few years has become educated. It is a good sign.

A NEW KIND OF TREASON

The United States Senate has listened to many novel theories of government, finance, and manners, but in its long career it has heard nothing more surprising than Senator Chamberlain's new definition of treason.

If newspaper reports are to be trusted, Senator Chamberlain has unearthed a design in the mind of Mr. Carnegie so base that it staggers belief. "He has never hesitated," the Senator from Oregon is reported to have said, "to spend his millions in endeavoring to inculcate a reciprocal feeling for Great Britain in the minds of the people of the United States;" an offense so rank that if the offender "were a citizen of any other

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

nation he would be charged with treason." Now at last the secret purposes of the great endowments for international peace which Mr. Carnegie has created are exposed to the light of day and their infamy stands revealed. Incidentally we have a new definition of treason which may be briefly stated: Every man who spends money in an effort to create a friendly feeling between nations is a traitor.

Arnold's treason has long been the standard of treason; but what is the surrender of a fortress compared to an insidious use of money to destroy suspicion and hatred between nations? When one remembers what a loss of easy material for oratory would be involved in the substitution of friendship for hatred, the baseness of this new kind of treason becomes clear. Think, too, of the destruction of the stock in trade of the yellow newspapers and the annihilation of the business of the manufacture of armaments which such a change from the amiable ways of barbarism to the impracticable methods of modern Christianity would involve!

BEING A BROTHER

Family relations are extremely close—that is their nature. Boys brought up under the same roof-tree have a thorough knowledge of each other. Brotherhood is therefore a very practical relationship. There is rarely anything sentimental about it. It is difficult to tell a man anything new about his brother—he understands him perhaps as well as any one on earth ever will. Yet, in spite of this, the idea of brotherhood, as applied to all men, is usually thought of as lofty and impractical, exposing its votaries to all sorts of losses and betrayals.

But why? The relation of brotherhood, in its every-day form, does not lead to loss, but to gain. The vast majority of men trust their own brothers, and do not lose by it. And the reason they trust them is because of close acquaintance with them. They know that their brothers are honest and reliable. They know all their faults; but the virtues are there, and can be depended on.

In other words, most men, to those who know them longest and closest, from earliest childhood, are to be trusted. Brothers can depend on brothers. When Christ instituted brotherhood among his followers as a fundamental law of his kingdom, he built on the sound facts of life. A great ambassador once said, "The man I don't like is the man I don't know." The aim of Christ was to have all men know each other, trust each other, love each other, like brothers in one big family. It was not a theoretical idea; it was a practical one, full of wisdom as well as love.

The vast majority of human beings, if taken as brothers, repay the taking. Those who have most deeply tried the experiment of universal brotherhood have testified to this most strongly. Hearty faith in others calls out hearty liking. Francis of Assisi found all men truly his brothers. So did Francis Xavier, so did Abraham Lincoln, and David Livingstone, and Charles Kingsley, and Phillips Brooks, and Arnold Toynbee, and Leo Tolstoy, each in his own way. To-day the world has a quickening feeling of fraternity. The advance of women to-day has been remarkable for the development of sisterhood between those of all ranks and all lands—the solidarity of women.

The brotherhood of man is not a dream. Being a brother is not a sentimental attitude. Christ chose only sincere and true things in laying down the rules of his kingdom. He took up this sincerest, most straightforward of human relationships, which seldom idealizes, which is good for the common day and the common road, and called his disciples to assume it towards all.

The man who draws back from brotherhood does it because he is afraid of his fellow-men. He may be afraid of them in two ways, but neither one will bear the test of moral analysis. A man may shrink from treating his fellow-men as brothers because he is afraid they will take away his possessions and make demands upon him that he does not want to meet. That position is plainly a selfish one, and may, further, be based on an inner suspicion that his possessions are not his own fair share. Or a man may refuse to be a brother to all men because he feels them not to be as high-minded or as loyal as he is himself. But such an attitude is self-righteousness pure and simple. The real saint is irresistibly drawn towards brotherhood by his conviction that most people are better than he is—even as the Apostle Paul, for example, could call a runaway slave, sincerely, a "brother beloved."

Brotherhood is an adventure perhaps, but an adventure into certainty. No one loses by being a brother. The loss is with those who never try to live out the meaning of one of the largest words of the soul—fraternity.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

OUR PATENT SYSTEM: ITS MERITS AND DEFECTS

*Under the title "Patent Absurdities of the Patent Office" editorial comment was lately made in The Outlook upon some of the defects of our patent system as illustrated in the long contests and delays in the Wright aeroplane case and the Goodwin photographic film case. This has called forth two communications, which we print herewith. Mr. Kaempffert is one of the editors of the "Scientific American," has made a special study of patent law, and in an article in The Outlook over a year ago on "Our Defective Patent System" made some stringent criticisms on the patent law and system of this country. Mr. Phillips Abbott is an attorney of high standing at the New York bar, and has a full and special knowledge of all patent matters. We do not here enter into an extended discussion of the entire subject, but may add, first, that The Outlook heartily concurs in appreciation of the immense value of our general system of patent-granting, but believes that it at present includes grave defects which require thorough study and revision by a competent and skilled commission. If any one doubts this, let him read Mr. William Hard's recent articles in "Everybody's Magazine;" they disclose lamentable and really unendurable conditions in certain directions. The particular points raised by our correspondents do not affect this general conclusion. We hope to take up the subject in detail at a later date.—*THE EDITORS.

I—THE VALUE OF THE SYSTEM

BY PHILLIPS ABBOTT

IT is greatly to be regretted that most of the articles touching our patent laws that have appeared in the public prints during the past year or two have apparently been actuated by a feeling of greater or less antagonism to them. Many of the articles have, it is true, referred with moderation to criticisms which may be fairly made against the law and the practice as they now stand, yet their general tone and the impression conveyed by them to the uninformed public have been adverse to the system and calculated to discourage invention and deter applications for patent.

The fact is well known to all who are familiar with such matters that, aside from the superb natural resources of our country, there is perhaps no single agency which has contributed so forcefully to the phenomenal development of the United States, and has made us perhaps the foremost producing people on earth, as our patent system. The inventive genius of our people has been stimulated by our patent laws, and funds for the development and perfection of new and useful discoveries have been readily forthcoming because of the confidence our capitalists have in patent property and their firm conviction that their rights thereunder will be fairly protected through our Federal courts.

Until recent years our patent system has been far more developed and complete than that of any other country. During the last generation, however, other nations, seeing the great benefits flowing from it here, have perfected their patent laws, so that now some of them compare favorably with ours.

Practically all the important mechanical discoveries of the century, which have been exceedingly potent instrumentalities in the development not only of this country but for the uplift of the entire human race, have originated under and are the direct results of our patent laws. This country has produced the steamboat, mowing-machine, reaper, sewing-machine, elevators, typewriter, air-brake, gimlet-pointed screw, telegraph, telephone, phonograph, Atlantic cable, vulcanized rubber, cotton gin, photographic film, cash carriers, linotype printing-machine, driven wells, heavier-than-air flying-machine, most of the electric power developments, electric lighting, Harveyized steel, machine-made watches, McKay shoe-sewing, and thousands of less well-known but important improvements in practically every branch of agriculture, manu-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

facture, transportation, and domestic utilities. Few of these things would have ever seen the light were it not for the promise of reward, which is the mainspring of all human endeavor, held out to the public through our patent laws.

These being the facts, would it not have been a more fair exposition of the matter if The Outlook, in its issue of March 21, 1914, had coupled its somewhat disapproving reference to the cost and duration of the Wright flying-machine litigation and that under the Goodwin photo film patent, with some reference to the vastly preponderating and beneficial results secured by our patent laws? Many of the vast manufacturing interests of our country, which give employment to whole communities, were based primarily at least on patent protection, and tens of thousands of relatively obscure patent owners are annually reaping from their patented inventions and discoveries very substantial returns either from sales, license, or royalty, besides which the business in thousands of small factories and shops that employ an army of operatives relies for profit more or less upon its patent protection.

Referring to the Goodwin film case, it is said that his invention was made in 1887; that he died fifteen years later, with his case undecided; and that it was over twenty-five years after his invention before final decision supporting the patent was rendered. This is most misleading to the inexperienced public. The facts are that because of a succession of occurrences in the Patent Office which does not happen once in a thousand times, and other incidents of his then position, Goodwin's prosecution of his case while in the Office was necessarily protracted. The official records show that over two hundred thousand other patents were applied for and granted during the time that his particular application was pending. This is not to be charged against the patent system, and no part of this time is to be included in the period of his deprivation of right, for he was not vested with any right whatever until his patent issued.

Again, after his patent did issue, it was necessary for him to gather funds to enable him to contest his claim against his powerful opponent, the Eastman Kodak Company, which took somewhat over three years. Finally suit was commenced, which resulted in a counter-suit under a different patent. The interests of the parties required that it should be first disposed of, and this took between two and three years. Thereafter the Goodwin case was again taken up, and the defendant, as was its clear right, and also for the best interest of the public, made an exhaustive search of the photographic literature of the world and also all prior patents pertaining thereto, concerning which a great amount of scientific testimony had to be taken and experiments made, so as to determine conclusively whether or not Goodwin was entitled to control that which he claimed. This investigation was necessarily laborious and difficult, the like of which has not happened in more than a score of cases in the whole history of patent litigation. Counsel competent to handle such a matter of course had other important business that required an appropriate share of their time. When the courts were finally reached, the decisions were quickly rendered. The Goodwin case, like every other matter of magnitude, involving large interests, required deliberate consideration. Such affairs cannot be wisely disposed of with the expedition and at the low cost that will suffice for a trivial matter of damages, contract, debt, and the like.

Much enthusiastic and visionary mathematics has been indulged in, in the public prints, touching the recovery that the owners of the Goodwin patent may make against the Eastman Kodak Company. The fact is that the owner of a patent can recover from an infringer only such of the profits derived from the infringement, or damages suffered thereby, as the law accords him. If the invention is small and the damage to the complainant or the profits of the infringer small, then the recovery will be correspondingly small; if, on the other hand, the invention is fundamental and the damage and profits large, then the recovery will be, and should be, correspondingly enlarged. The principle and the application of the law are the same whether this amounts to $1,000 or $1,000,000.

A part of the criticism that appeared in the editorial in The Outlook is wholly merited. The practice should be simplified and litigation made less expensive. The period of possible pendency of an application in the Patent Office should be reduced to the minimum. The possibility of diverse decisions upon the same patent in different circuits should be eliminated. But those who are experienced in such matters realize the very great difficulty, indeed the practical impossi-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bility, of satisfactorily securing these results. As human affairs exist, the power of money obtains in patent matters the same as in every other matter. A patent litigant, the same as any other litigant, can be impeded in his suit by the oppressive use of money, and occasionally a meritorious inventor may be forced to the wall because of the superior financial resources of his opponent. But this happens no more frequently in patent cases than in any other cases of equal magnitude and complexity.

By the new Equity Rules of November, 1912, it is expected that the cost of patent litigation will be reduced and determination expedited. It is too early as yet to determine definitely whether or not this will prove entirely satisfactory in the more involved and difficult cases.

As to diverse decisions in different judicial circuits, that also is a matter of grave difficulty, involving many embarrassing considerations. One only, which can be easily appreciated, will be given here.

Suppose a case in one circuit was insufficiently contested, because, perhaps, of collusion between the parties, or because the defendant had but little at stake and did not care to defend exhaustively, with the result that the complainant prevailed and his patent was sustained. Shall that decision be blindly followed by the court in a different circuit, in which a different defendant who, having much at stake exhaustively defended, establishes such equities between the parties as were not even remotely suggested in the earlier case? Obviously not. That would be a most deplorable miscarriage of justice. Yet the result would be that in one circuit the patent would be valid and in another invalid.

The outcome of the whole matter is this: the patent protection afforded in this country is perhaps the most important and valuable of all our statutory provisions. Here and there it should perhaps be improved, if a way so to do can be found. Here and there a special litigant may suffer, but this is inherent in all judicial affairs.

If the time shall ever come when the scope and efficiency of our patent system shall be materially curtailed, the industrial progress of this country will be correspondingly curtailed, and the coming generations will call those legislators who have effected such restrictions anything but blessed.

II—"SUPPRESSION" AND COMPULSORY LICENSES

BY WALDEMAR KAEMPFFERT

In your admirable editorial entitled "The Patent Absurdities of Patent Law" you advocate a revision of our patent laws in a way which would "forbid the buying of patents for the purpose of suppressing them." This idea that patents are suppressed is hard indeed to eradicate. The notion seems to prevail that powerful corporations buy inventions for no other purpose than that of neglecting to use them.

During the twenty-odd hearings which were conducted in Washington not so long ago in order to learn the views of manufacturers and inventors with reference to the introduction of compulsory licenses into our patent system, a Congressional Committee tried hard to find evidence of suppression. Out of the dozens of men who were either heard by the Committee or who wrote letters giving their views only one man thought that he had tangible evidence of suppression. It was not very tangible evidence, but rather the expression of an opinion.

It is true that some patents are not "worked." But they are not really suppressed. A great manufacturing corporation employs professional inventors—men whose business it is to devise new manufacturing processes and new machines. Suppose that they are intrusted with the task of inventing a machine for sewing buttons on coats. They may invent as many as ten different machines for the purpose. Of these ten machines one proves to be the simplest and the most efficient. It is made and used. The other nine machines are patented, but are not used. But in order to arrive at the successful tenth machine it was necessary to invent the discarded nine. Perhaps $150,000 and more had been expended in the process of arriving at that successful tenth machine. I know of one machine in the invention of which no less than $900,000 was spent before a commercially successful invention was produced.

Now, while the tenth machine is the com-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mercial type, the other nine machines may be operative. Is it fair to permit a commercial rival to apply to a court for a compulsory license so that he may have the privilege of using one of the nine that are discarded? He has not contributed one cent to the development of the successful machine; he has not wasted one atom of brain matter in thinking up a new way of sewing buttons on clothes.

Again, the impression seems to prevail that an invention leaps from the inventor's brain perfect. Little does the general public realize that every machine is in reality a composite. Its individual parts are subject to constant improvement. Look at the name-plate of a turret lathe and you will probably find that it is protected by a dozen patents, each covering some detail. It may be that the manufacturer of the turret lathe controls no less than two or three hundred patents, all relating to the construction of turret lathes; but out of the two hundred or three hundred he uses not more than a dozen—the dozen best. Surely the public loses nothing if he fails to work those patents which have been granted for inventions that are in his opinion not quite so good as the one which he is actually engaged in manufacturing. And surely it would be decidedly unfair if a commercial rival were to obtain a compulsory license and begin the manufacturing of other turret lathes on the basis of the patents which are not worked.

You are wrong in stating that England grants compulsory licenses for an adequate fee. England's law provides for the forfeiture of patents which are not worked.[1] The forfeiture clause was introduced, not because patents are suppressed, but simply to injure German trade. Most of the chemicals produced from coal tars are made in Germany. The processes of manufacturing them are protected by patents. England discovered that she was buying millions of dollars' worth of chemicals which were made in Germany, but which were protected in England by English patents. Hence it was deemed advisable to pass a law which would compel German manufacturers to work their English patents in England. The result has been anything but gratifying to Englishmen. A few factories, to be sure, have sprung up. But they are factories whose operatives are imported German workmen. Moreover, this is not the way to encourage invention. It is a confession of impotence.

Every foreign country that has ever tried compulsory licenses or forfeiture has abandoned it. Germany still retains in its patent law a provision which under certain circumstances gives the State the power to appropriate an invention; but the invention must be of such vast national importance that the public would surely suffer if it were not introduced. It has been stated that this provision is retained, not because it is of any real value to Germany as an industrial nation, but as a weapon of defense against those countries that pass patent laws distinctly unfavorable to German inventors and German industries. If we pass a compulsory license law, such as the one which you seem to advocate, we may rest assured that retaliatory measures may be expected from European countries.

Has it occurred to you that a compulsory license law would play into the hands of powerful corporations? Suppose that you are the inventor of a manufacturing process which can be used by only one corporation in the whole country, not necessarily a trust. Suppose that the corporation does not care to deal with you on your own terms. Under the compulsory license law which Representative Oldfield, of Arkansas, has framed, but which has fortunately not as yet received serious consideration from Congress, it will be possible for that corporation to compel you to grant a license after the lapse of a certain period. Thus it will be possible for it to obtain at its own terms—fair or unfair—what it could not otherwise obtain at all. It is a singular fact that during the hearings which were conducted in Washington to discover the merits and defects of the Oldfield Bill most of the large corporations offered no violent opposition. Before a bill is passed which is directed against suppression of patents it would be well to ascertain whether or not patents are really suppressed in the manner that is commonly supposed. If an investigation is ever conducted, it will be found that it is just as impossible to kill a good invention as it is impossible to kill any good idea.

[1] In answer to inquiry Mr. Kaempffert in another letter says "The present British patent law was passed August 28, 1907. It provides both for compulsory license and revocation. There has not yet been a case of compulsory license so far as I have been able to ascertain, and this is what I mean when I said that compulsory license was not effective in England."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

UNCLE SAM'S POSTAL SERVICE

BY P. V. DE GRAW

Hardly any one would seem better qualified to write of the postal service as a whole than Mr. De Graw, whose long journalistic experience was supplemented by eight years of active work in the Department, in which he served as Assistant Postmaster-General during the Roosevelt and Taft Administrations. He was especially active and successful in promoting the rural free delivery service, and has been a persistent advocate and worker for every progressive proposal, including the parcel post. The largest number of rural delivery routes installed in any one year was during 1904–5, when service was begun on 7,489 routes under the administrations of ex-Assistant Postmasters-General Burton—now United States Senator—and De Graw.—THE EDITORS.

THERE is no branch of the Government—army, navy, treasury, or judiciary—that so closely touches the people, and touches so many of them, as the Post-Office Department; it touches all kinds of people, too, the good and the bad, for it is not alone a helper, but a censor, as we shall see further on.

IN COLONIAL DAYS

While we are justly proud of the service, we should remember that, large as it is, its development has been of slow growth. It is a long time indeed since the days when colonists got their letters from home by waiting at some popular inn near tide-water until the ship appeared in the bay and a boat manned by English soldiers brought the precious packages to shore; later on—let us say threescore years ago—the arrival of the daily mail train was a signal for townspeople to assemble, even though their share proved but a single sack, and only partly filled at that.

But of course the primitive way of handling the mail in early days could hardly continue even under the rule of a king who cared so little for his American subjects as George III. In fact, those subjects had to take the initiative, and in 1639 the General Court of Massachusetts passed an ordinance legalizing the postal system. Even then it took nearly a century to get the service on a business basis, and it took a Franklin to do it, for in 1735 King George had the good sense to place the Philadelphia philosopher in charge, and the latter ran the Department for twenty years at a profit—to George.

In 1775, however, the colonists undertook to manage things on their own account, and they recognized Franklin's services by making him Postmaster-General at a salary of $1,000 a year, but even he could not maintain the system during the Revolutionary period; at that time the Department dwindled to very small proportions, the total number of offices in operation in 1776 being only twenty-eight, and fourteen of these were in Massachusetts, fewer than we would doubtless now find in any single county of that State.

THEN AND NOW

To-day, however, the Department is an enormous institution, and so much appreciated by the public that even yearly deficits have little effect upon its popularity. Yet, large as it is, very few of those who enjoy its benefits have a very definite idea of just what it is and how it is operated. We are aware that there are a Postmaster-General and several assistants, but just what the functions of these assistants are is probably not well known.

The Post-Office Department of to-day, which governs from Washington the entire system, is divided into four bureaus, under the jurisdiction of the First, Second, Third, and Fourth Assistant Postmasters-General, and each of these bureaus handles the more closely allied features of the service.

The First Assistant Postmaster-General supervises the annual readjustment of Presidential postmasters' salaries and the allowance of expenditures for miscellaneous items in post-offices; he also has charge of the installation of city delivery service and the preparation of cases for the appointment of postmasters.

The Second Assistant handles all matters pertaining to the transportation of mails on railways and steamboats, to the mail messenger service in cities and towns, and also is responsible for the supervision of railway and postal clerks and of all matters pertaining to their equipment.

The Third Assistant has jurisdiction over

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the divisions of finance, stamps, money orders, registered mails, classification and redemption, and of the postal savings system.

The Fourth Assistant supervises rural delivery, furnishes supplies for the entire service, has charge of the treatment of unmailable and undelivered mail matter in the division of dead letters, and exercises supervision over the making, printing, and distribution of postal route maps.

The work of the various bureaus may doubtless be better explained by a brief survey of the different branches of the service under the usual designations with which the public is acquainted.

THE APPOINTMENT OF POSTMASTERS

One division has charge of the work relating to postmasters' appointments, including the obtaining of bonds from the appointees and the issuance of their commissions. It also gives consideration to complaints and charges against postmasters, handles correspondence relative to leaves of absence, hours of business at the post-office, and has charge of the designation and appointment of mail clerks.

The number of postmasters appointed during the fiscal year 1912 was 10,590. Of this number 2,268 were at offices filled by Presidential appointment, and 8,302 were at fourth-class offices. So well do postmasters acquit themselves, as a rule, that more than seventy-seven per cent of those whose commissions expired during the year were given reappointments.

CITY DELIVERY SERVICE

This service is now in operation in 1,598 cities, necessitating an employment of 29,742 carriers, involving an annual cost of $34,500,000. The number of carriers employed in the city of New York is 2,564; in Chicago, 1,907; in Boston, 1,302; in Philadelphia, 1,200; and in Brooklyn, 1,044—these five cities requiring more than twenty-five per cent of the entire force.

These employees of the Department constitute quite an army of faithful, hard-working public servants, and it is doubtful whether there is anybody equally popular with the people.

It may be added that this number will be largely increased, for the Appropriation Act extends mail delivery, experimentally, to towns and villages having post-offices of the second and third class that are not entitled to free delivery service. The law prescribes a limitation of $1,800 to the expenditure of each office for this service.

SPECIAL DELIVERY SERVICE

So few people receive many special delivery letters that it seems hardly possible that 16,756,499 pieces were delivered during the last fiscal year; and, as a fee of eight cents is allowed to employees to whom is assigned the delivery of these letters, it will be seen that it amounts to quite an income during the year—more than $1,300,000.

The railway mail and registered mail service are also important branches, which make possible great economies in the business world and render valuable aid to the public at large.

MONEY ORDER SYSTEM

When the importance of this branch is considered, it seems hardly possible that the Department was conducted until the year 1865 before any legislation was enacted authorizing the establishment of a postal money order system, the object being, as then stated, "to promote the convenience of the public and to insure the safe transfer of small sums of money through the mail."

During the first year of its existence the system was operated at only 419 post-offices, at which time 75,000 orders, amounting to less than one and one-half million dollars, were issued.

To-day, however, the system embraces 52,000 post-offices, including stations and branches; and all these issued during the last fiscal year more than 86,000,000 orders, amounting to more than $700,000,000, while about the same sum was represented by orders paid—an aggregate of about $1,500,000,000. This enormous business is necessarily a National financial factor, as the postal savings system is growing to be, and these institutions are two of the most beneficent of our Government.

It was not intended at the outset that the money order system should be a source of large revenue to the Department, and thus be a tax upon the people; but, on the other hand, it has always been maintained that it should be self-supporting, which indeed it is.

FRANKED MATTER

Notwithstanding the general popularity of the Post-Office Department, there are certain

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

matters which have always invited more or less criticism. One is the franking privilege; it is estimated that franked matter, being the Congressional and official material carried free of postage in the course of the administration of the legislative, executive, and judicial departments of the Government, has aggregated 59,296,087 pounds.

In this connection it may be said that the low cost at which second-class matter is carried has also been the subject of considerable comment. The comparative returns may be arrived at when it is known that, while second-class matter constituted *two-thirds* of all the domestic revenue-producing material carried during the fiscal year ending June 19, 1911, it yielded approximately only *one-twentieth* of the entire revenue.

DIVISION OF RURAL MAILS

The first rural delivery service was not put into operation until October, 1896, and from that date to June 30, 1897, 83 routes were established in 29 States, having a total mileage of 1,843 miles, and costing $14,480. Since then the service has grown by leaps and bounds, until on May 1, 1912, there were in operation throughout the country 42,169 routes, with 42,053 carriers serving a territory of about 1,700,500 square miles in extent, with a population of about 22,000,000, necessitating daily travel on the part of all the carriers of about 1,130,000 miles, more than forty times the distance round the earth.

Since rural delivery was established the total amount expended in extension is nearly $300,000,000. The service has largely superseded the star routes, these having decreased from 22,834 in 1900 to 12,657 in 1912.

DIVISION OF SUPPLIES

This is one of the most interesting sections of the Post-Office Department. It occupies 50,000 square feet of space in an eight-story annex building, has 85 trained employees, receives and fills 1,300 requisitions, and moves by freight an average of fifteen tons of supplies every working day in the year; this consisting chiefly of blanks and printed forms, stationery, twine, baskets, trucks, and scales. An idea of the quantity of some of the articles used may be had from the following items purchased and distributed during the last fiscal year: 6,000 gallons of mucilage, 10,000 gallons of writing fluid, 30,000 pounds of canceling ink, 80,000 stamp pads, 400,000 sheets of blotting-paper, 700,000 lead pencils, 1,000,000 straps for letter and rural mail-carriers, 1,000,000 pounds (90 car-loads) of twine, 3,000 000 steel pens, 4,625,000 sheets of wrapping paper, 1,600,000,000 (80 car-loads) of facing-slips used for directions on packages of letters. Since the installation of the parcel post up to the time of writing the Post-Office Department has purchased for use in post-offices and on rural delivery routes 88,200 scales of the beam, sprint-balance, and automatic types.

DIVISION OF DEAD LETTERS

This division was established in 1825, but no detailed record of its transactions was kept prior to 1830, during which year 380,000 letters were received for disposition. The office now gives employment to 161 persons, who handled during the fiscal year ending June 30, 1912, more than 13,000,000 letters and parcels, of which approximately 2,000,000 pieces were posted in foreign countries and failed of delivery in the United States. Fully 80,000 of the letters received bore no addresses whatsoever, and in many instances contained inclosures of apparent value to the senders.

It is probably not generally known how much effort is made in this department to secure the delivery of dead letters. As to the interesting results achieved, the citation of an incident is apropos: a letter addressed to a Catholic divine, "Africa," was despatched to that country; as the addressee could not be found, the packet was marked "Unknown" and returned, where it was opened, and found to carry three crisp, new five-hundred-dollar bills, inclosed in a note of almost perfect chirography, directing that the funds be disbursed as the "Father," in his work of charity, might elect, it bearing the signature "Mary." The circumstances were unusual, owing to the amount of money involved, but the Inspection Division, after three weeks of earnest effort, located "Mary's" residence; in the meantime, however, she had passed away, and the money was consequently returned to her estate.

PARCEL POST

An important event in the history of the Department was the establishment of the parcel post, providing for the transportation by mail of packages weighing a maximum of eleven pounds, thus bringing the Government into direct competition with the express companies and effecting a substantial saving to the public. Although in operation less than eight

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

months, the parcel post is already a National institution, and has been so successful that the maximum weight for packages within one hundred and fifty miles of the mailing point has been increased from eleven pounds to twenty, thus still further cutting in upon the business of the express companies. Furthermore, it was decided to do away with the special stamps first required and employ the regular stamp issues instead.

The new arrangement, for example, will enable department stores to distribute goods more cheaply than by express or through their own delivery system, and truckers and farmers can afford to send their products direct to dwellers in the city; it is therefore estimated that the amount carried during the first year will far exceed the original figure, probably reaching 600,000,000 packages.

The next step will doubtless be a still further increase in the maximum weight, possibly fixing it at one hundred pounds; also a further reduction in rates, and probably an extension of the privilege by the inclusion of printed material, which must now be carried as third-class matter at higher cost to the public.

It is probably not amiss to make brief mention of the humorous side of the parcel post. The first week's record of business showed, for example, that a brick company in New Jersey sent by mail an entire load of brick; while in Ohio a baby was sent by mail, and in New York ice-cream was carried with more or less safety from maker to user. Quite recently a cat, properly boxed, was handed in at an office where the rule against shipment of live animals was not yet known to a newly appointed postmaster. He therefore sent the feline along, but farther on there was stoppage by a better-posted official, who presumably turned Tabby loose.

POSTAL SAVINGS BANKS

In view of the prompt and efficient service so long rendered by the Government, it is only natural that the people should rely upon and trust it implicitly, and this is shown by the result of the experiment in postal banks. Into these banks was poured during the second year after they were started the sum of $33.957,062. It should be borne in mind that this money was not withdrawn from banking institutions, for during the same period bank deposits increased rather than diminished. The savings came from quarters where there was distrust of private banks, but from those who still had strong confidence in Uncle Sam. Money hidden away was brought out and put into circulation; it was handed in at post-offices without misgiving. Security and safety seemed to be unquestioned. Held by the Government, these savings were, to the owners, absolutely safe. The postal savings accounts show that the balance standing to the credit of depositors on May 31, 1913, was the amount stated, while postal savings bonds purchased from July 1, 1911, to July 1, 1913, amounted to $3,506,000.

Wherever, indeed, the supervision of Uncle Sam exists suspicion is dispelled. This sense of security is an important fact. The post-office bureaus are the most active agencies of the Government, and, as already stated, they get closest to the people. Everywhere, even in the remotest sections, it is the postmaster, the carrier, and the post-office messenger, and not the soldier or sailor, that are in the daily eye of the public.

POST-OFFICE INSPECTORS

The Government is not only a good servant but a strict censor. The division of post-office inspectors numbers 390, and these are properly called the eyes and ears of the Department. They are not only charged with the investigation of post-offices and with keeping the Department advised as to the condition of the service, but alleged violations of postal laws are looked into by them, and they aid in the prosecution of criminal offenses. One can gain an idea of the extensive operations of the inspectors' force and of the rapidity with which the work has grown when it is shown that the number of cases investigated in 1901 was 178,514, and for the fiscal year 1911, 298,833—an increase in ten years of more than sixty per cent.

The results of the action taken by inspectors in 1912 to bring to justice persons operating fraudulent schemes were as follows:

Persons arrested	572
Persons indicted	537
Persons convicted	263
Persons acquitted	51
Persons awaiting trial	290
Fugitives from justice	62

Here are some of the fraudulent schemes in connection with which arrests were made and convictions had during the fiscal year 1912: promotion and sale of worthless stocks, sale of fake medicines or medical applications, fake horse-racing and athletic

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

contests, land schemes, produce commission swindles, fake detective agencies, misrepresentations made in the sale of property, false statements as to financial condition, failure to furnish information as advertised, bogus fire insurance, and so on. In addition to these, very many other schemes might be enumerated, all of which the Department places under ban.

DOING BUSINESS BY MAIL

From this showing of alertness on the part of the inspectors it will not be any surprise to the reader, as it is not to the writer after eight years of inside service, that so many substantial and reliable firms and business houses feel warranted and absolutely secure in using the mails wholly or almost exclusively in the transaction of their business.

Thus is the public daily protected from schemes big and little—from so-called "work-at-home" proposals, in which the promoter filches a few cents from his victim, to the gigantic stock-jobbing swindle in which large sums are obtained.

A discouraging feature to the Department in its fraud crusade is the light sentence often imposed by the courts. In a number of instances those who have robbed the people of millions of dollars have been imprisoned for only a few months, while those who obtained hundreds of thousands, and were found guilty, were required to pay only a small fine.

CO-OPERATION OF THE PRESS

On the other hand, important aid has been rendered at least from one outside source. As a result of the Department crusades, reliable and reputable periodicals throughout the country now go very carefully into the character of the advertisements offered for publication. Such action is a substantial aid in protecting the public from swindlers. The example set by certain of these monthly and weekly publications is also being followed by the better class of newspapers throughout the country.

The time has probably arrived, indeed, when the announcements of none but reputable concerns will be found in any self-respecting publication. Advertising and the postal service thus help the public to secure through the mails, and with perfect confidence, about everything that the heart could wish, from a box of bonbons to a barrel of flour, from a mattress to a mortgage investment.

ON THE WAY TO THE ANDES

AN OLD UNIVERSITY CITY; AT THE FOOT OF THE ANDES

BY THEODORE ROOSEVELT

IN THE SERIES ON SOUTH AMERICA

WHEN we reached the Province of Córdoba, at first we passed through a rather barren ranch country that reminded one of western Texas, with trees looking somewhat like the mesquite and palo verde, and hedges of cactus with brilliant flowers. Then the country grew more fertile, and finally we came to the flourishing city of Córdoba. This is a very ancient city, older than any city in the United States. One of our companions who guided us around the city was a man descended from one of the first settlers, whose people had been in Córdoba for over three hundred years. He was a prosperous, thriving citizen. His business was buying and selling ranches, cattle, and city real estate, while his brother was a prominent lawyer. During the last twenty years Córdoba has taken great strides forward, and it is now a thriving modern city, with its trolley lines, water-works, street-cleaning department, and the rest, just like a city in the United States of the same size.

We visited the University. Next year it will celebrate its three hundredth anniversary, for it is much older than any university in the United States. This must not be understood, however, as meaning more than it actually does. These old universities of Latin America during the Colonial and Span-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ish period were merely survivals of the mediæval university system, survivals which had, if anything, retrograded from a not very advanced original type, just as the ordinary Mohammedan university of the present day has retrograded from the standard of the old Mohammedan university that flourished under the caliphate of Córdoba. Nevertheless, where ignorance was so well-nigh universal and so altogether profound, it was well that there existed here and there even a feeble and flickering light. Nowadays there are in Latin America many fine universities, many fine schools of learning, advanced in type and abreast of the knowledge and the needs of the modern world.

While in Córdoba I visited two of the modern institutions, one a normal school for girls, in which over a thousand girls are being trained to be teachers, and the other an agricultural college. These agricultural colleges are scattered throughout the country. They are of admirable type; and, by the way, they are always placed in beautiful grounds. I had been told that the same difficulty obtained among the students in Argentina as has obtained among many of the students in our own agricultural colleges; that is, that the students were taken from the ranches, given a training, and that then, instead of going back to the ranches, they either went into the Government Service or took up their abode in the cities. Of course the investigations I made were not such as to enable me to pass final judgment in this matter. But I did make certain investigations, and these investigations told against the statements in question. In this particular college, for instance, getting the students together, I picked out a dozen or fifteen of them at random, and cross-examined each as to his ancestry, the occupation of his father, and what he intended himself to do when he left college. Most of them were the sons of Argentines, one was the son of an Englishman, one of a Frenchman, and two of Italians. Most of them were the sons of ranchmen, two or three were the sons of townsmen. One intended to become a veterinarian, one intended to go into Government Service, and all the others were going out into the country to be ranchmen; several of them on the ranches of their fathers, the others with the intention of getting ranches for themselves as soon as they were able to. My queries in the various other agricultural colleges evoked similar information. As regards the men I personally examined, these colleges were fulfilling the purposes of their being.

In Córdoba there is a beautiful park system. It is an attractive city in every way. I was interested by the incidental discovery of a matter worthy of the attention of our own students of social betterment. The municipality has recently gone into the business of providing homes for the workingmen who desire to get them. The municipality buys land and constructs the home. It then sells it to the householder on terms that include the repayment by the latter of eight per cent a year on the purchase price. In fifteen years the house and land become absolutely the man's own. An effort is being made to apply the same system to agricultural lands for the purpose of encouraging immigrants to settle down and become owners and tillers of the soil. The proposal is that in each parish the Government shall purchase some five thousand acres and sell the land in small lots on terms somewhat similar to those mentioned above to actual settlers who live on and till the soil.

It will be noticed from the above that the Argentines are thoroughly awake to the need of having small landowners, and also that they have no faith whatsoever in any of the theories that would abolish ownership in property, or even ownership in land. This may be due to the fact that part of the business of the nation in its northern country is even yet that of civilizing the Indian; and almost the worst obstruction to civilizing the Indian is the fact that the Indian actually practices the theories of certain advanced Socialists. The Indians of the Chaco, in practice, have no personal property. The result is that they are all kept permanently at the level of the shiftless, the idle, and the incompetent. In practice it proves to be impossible to elevate them until they are given the chance to have personal property which is not to be shared with the shiftless and idle. Among these Indians applied Socialism has simply meant that any property acquired by anybody is shared with the worthless members of the tribe. The result has been the positive refusal of the thrifty and far-sighted to go into the business of accumulating goods for their less worthy brothers, so that the entire social life is stagnant. In the Argentine at present, and during the immediate past, it has been proved by actual experience that the only way to get a betterment of social and industrial conditions is to give the average man the chance to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

get property for himself if he possesses the necessary energy, industry, and thrift; and this means that not only must he be protected against the big man who would exploit him, but that he must also be protected against the small man who is lazy or thriftless or vicious. In practice the possession of property, and the chance to possess property as a result of honest and intelligent toil, offer the chief incentives for the growth of well-being and of civilization. Human rights must be recognized as standing above property rights, which represent a means and not an end; but it must also be recognized that property rights, if properly handled, represent one of the indispensable means of securing the human rights.

On our journey through St. Luiz to Mendoza we passed at first through a landscape that might have been anywhere in the semi-arid West; the trees looked like mesquite, and there were cactus and greasewood. After a while the land became better. The town of St. Luiz is in a province in which there is much alfalfa grown and some wheat, and where there is much stock-raising. As we began to approach Mendoza the soil became rich, fertile, well cultivated, and thickly peopled.

Mendoza is a strikingly picturesque city of some eighty-five thousand inhabitants. The houses are low, usually of one story, for there have been very severe earthquakes. As with the other cities of the class which we visited, we were struck both by the picturesqueness of the place, and also by the evidences of energy and progress on every hand. The trolley lines, the electric lighting, the street-cleaning, were all as modern as in the United States. As with most of these cities, there is a beautiful park system. In Mendoza the park includes a high hill, on which stands the colossal figure of San Martín, with bas-reliefs round about to illustrate features of his great career. At sunset we drove through this park. There were literally hundreds of carriages and automobiles, the center of attraction being some spiral circular drives around the band-stand. The whole scene was attractive, and gave one a good idea of the social life of one of these thriving provincial capitals. There is evidently a strong infusion of Indian blood in the people, not only in the lower classes but in many, or perhaps most, of those of higher social position and leadership. In my judgment, this is good blood. I am certain that both in the United States and elsewhere in America the men with a strain of Indian blood in them have furnished at least their proportion of efficiency and leadership. Some of the best men I have known in the United States have had Indian blood in them.

Mendoza was an old colonial town, and, like Córdoba, had a distinct and characteristic life of its own in the days when each province and provincial city developed by itself out of touch with its neighbors. It was here that San Martín raised the army with which he crossed the Andes and marched northward as far as Chimborazo, clearing the Pacific provinces of the Spaniards. It is difficult to realize how poverty-struck Argentina was in those days. San Martín had no money, no cannon, nothing. Under the lead of a priest cannon were cast. The gauchos rallied round the new standard and were made into the famous horse grenadiers of San Martín. The very poor contributed even out of their poverty. Mules were furnished by the thousand for transport, and the young girls of Mendoza wove the first Argentine national flag. This national flag is preserved, as it ought to be, at the Executive Mansion; and I saluted it with all the real respect I felt.

We motored through the surrounding country. It is a very rich country, covered with vineyards, for the chief industry is wine-growing. There are long lines of Lombardy poplars, and now and then a palm, a willow, or a Spanish walnut. The climate is dry, and the rainfall insufficient for agriculture. But the foothills of the Andes are not far off, the snowy peaks of the main range rising in austere beauty back of them. From the mountains there is an abundance of water for irrigation, and all the region round about is a veritable garden. The wine casks were carried in big two-wheeled carts, drawn by three, by four, or by five mules. We visited two great wine-making establishments. One was owned by Italian brothers, who had come here only a quarter of a century ago as penniless laborers. The other was also owned by brothers, but these brothers were Argentines of the old stock who were making a success as thriving business men of the best type. They told me much about the character of the laborers and the general conditions of labor. The native Argentines are intelligent and do their work in capital shape, but they are apt to waste their money and to be improvident. As a consequence they are employed in greater proportion within doors

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

than in the fields, the Italians in especial outnumbering them in the fields. On an average they tend to receive rather higher wages than the Italians, but they are not so thrifty, they do not save as much. My informants told me that practically every man of foreign birth or foreign parentage who works in the vineyards or in the wine establishments, whether an Italian, a Frenchman, a German, or a Swiss, saves enough to purchase a piece of land for himself and to become a landed proprietor; and not a few of them move upward into the highest business and social positions. Among the native Argentines of the poorest class, said my informants, who were themselves Argentines, the number of men who thus rose was much smaller in proportion. But they added that the proportion was growing steadily larger, and that the effect of the schooling of the young people was already evident.

Strikes and labor disturbances are practically unknown around Mendoza. There is a genuine effort at partnership between employees and employers. The workmen get a certain proportion of the gains of the business in addition to their wages, and have a certain interest in the business. Those of them who wish to advance are practically always able to advance, to become small landowners or small partners in business, or independent tradesmen. The others who get equally good wages, but who do not save or hoard, continue with their employers practically as long as they live. There is a feeling of identity between the employer and the employee, and a disposition to share burdens and profits. When I make this stateenmt I am, of course, aware that there must be exceptions, and I am only speaking of things as I saw them. But both the workmen and the employers with whom I spoke testified to the same condition of affairs. The enterprise, the prosperity, and the self-confidence of the men engaged in business were evident at a glance.

I visited the Agricultural College. Here at Mendoza all other industries are of little account compared with wine-making. The Agricultural College reflects the local tendency. Most of the work done consists in practically training the students how to handle in the most scientific and successful manner every branch of the wine business. The pupils I saw were busily engaged in manual labor. I happened not to be at the college when they were receiving class-room training. Almost all of those to whom I spoke were boys from the land who intended to go back to the land and apply in practical shape to the problems of agriculture, and specially to the problems connected with vineyards, the lessons they had learned and were learning. The majority of the pupils were of old Argentine stock, but a large minority consisted of men of Italian or Spanish parentage, and there were one or two of German, French, and English parentage. One of those of Italian parentage, by the way, misled me by his looks, for I had picked him out as being a man of pure Indian blood. Another Italian was an auburn-haired Lombard. They were all of them, of course, thoroughgoing Argentines, to whom Spanish was the native tongue. The gardens of the Agricultural College were, as usual, beautiful, and I was struck by the good character of the work that was being done.

It is not only in agricultural educational work that the young are being trained in Mendoza. When I reached the city, among the crowds that met me in the streets the school-children carrying banners and throwing flowers were especially prominent. There were literally thousands of them marshaled there with their teachers, and they were led by a group of girls from the normal school. I was especially struck by the capital kindergarten. There were some two hundred and fifty children; dear little boys and girls, to whom our hearts went out just as to the small folks at home. We saw them go through their exercises and inspected their work. One of the thoroughly competent and very attractive teachers made me a little address in English; and then a particularly nice small boy repeated for my benefit four lines, in English, of Henry van Dyke's poem on "America," always a favorite in my family. The teachers, so well trained and so devoted to their work, were evidently very proud of their pupils, and of the success they had achieved. Well they might be.

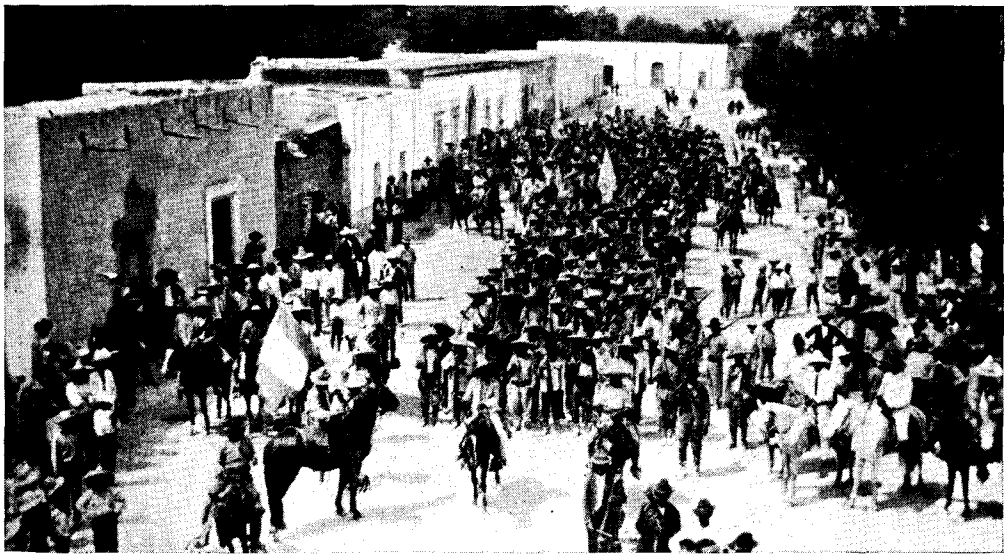
This kindergarten at the foot of the Andes is surely noteworthy, and our citizens generally should understand what it means for the Argentine Republic to find here, far in the interior, at the foot of the Andes, such abounding energy and vigor in industrial life, such disinterested good citizenship, and such energetic and successful application of all the methods of advanced schooling to the needs of the generation that is growing up.

In the course of driving through the country we were stopped at one village by a couple

(Continued on page following illustrations)

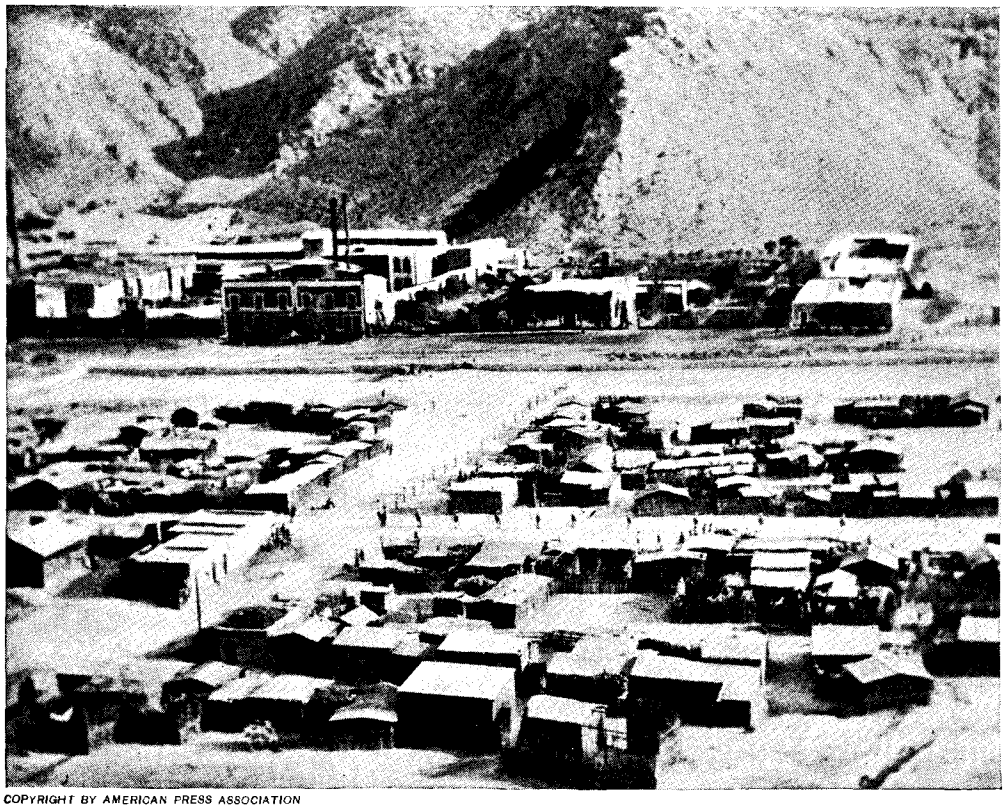
PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Current Events Pictorially Treated



PHOTOGRAPH BY AMERICAN PRESS ASSOCIATION

FEDERAL TROOPS MARCHING THROUGH GOMEZ PALACIO (A TOWN CLOSE BY TORREON), BEFORE ITS CAPTURE BY VILLA

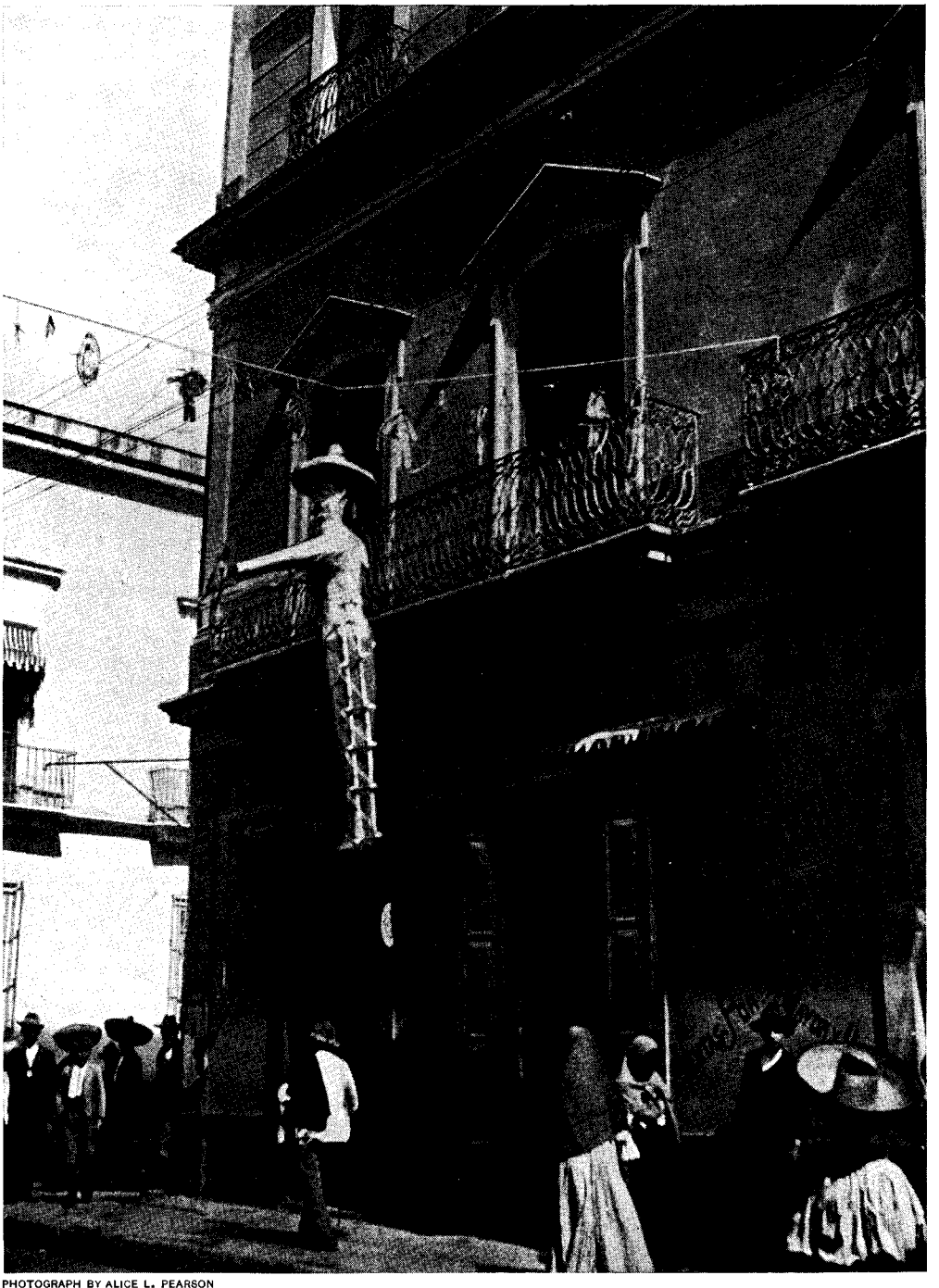


COPYRIGHT BY AMERICAN PRESS ASSOCIATION

A BIRD'S-EYE VIEW OF A PART OF TORREON, RECENTLY CAPTURED BY VILLA

THE MEXICAN CONFLICT

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

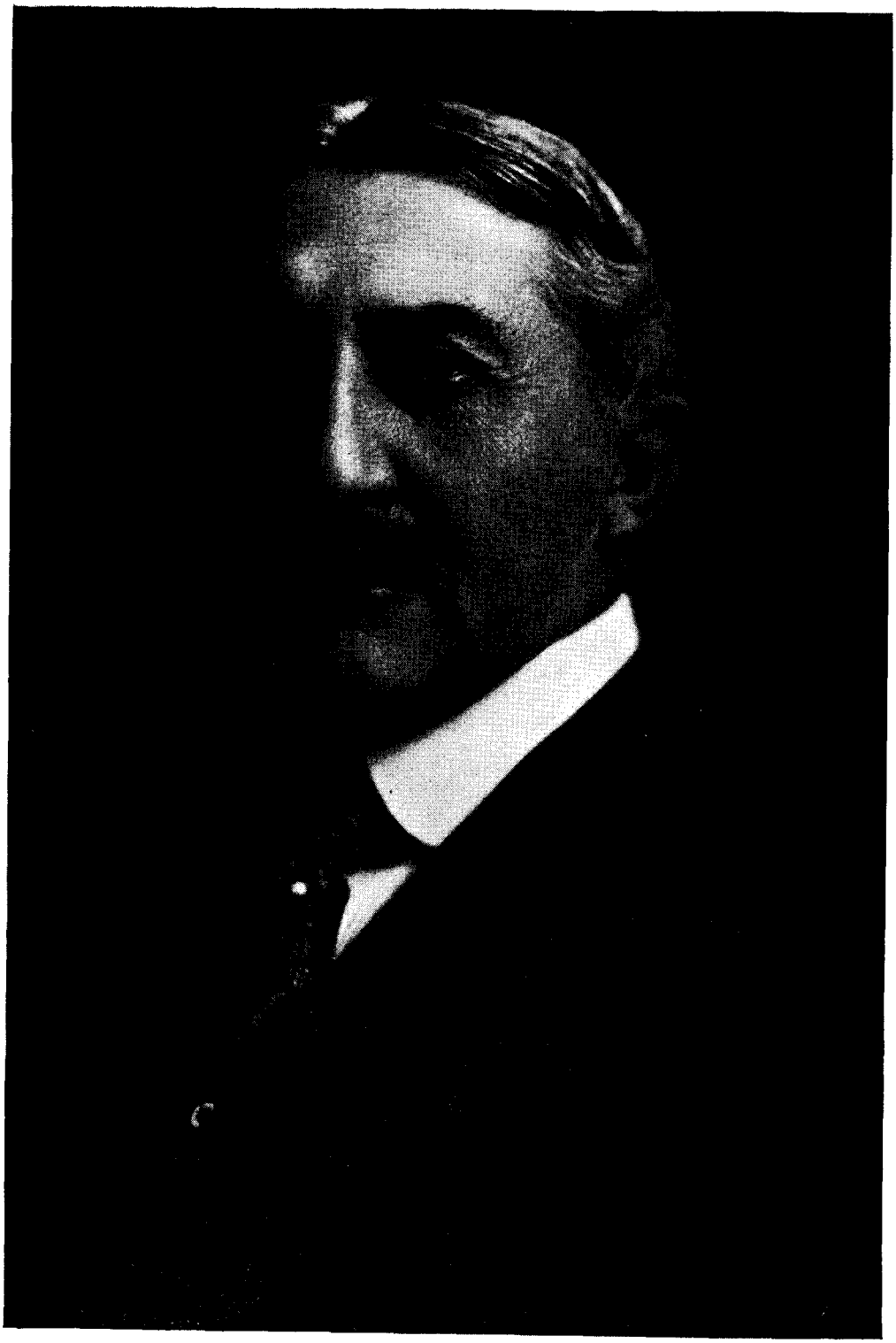


PHOTOGRAPH BY ALICE L. PEARSON

EASTER DAY IN MEXICO

The primitive religious conditions of Mexico are indicated by the scene shown above: an effigy of Judas has been hanged as an incident of the celebration of Holy Week. Many of these effigies contain explosives and are burned on the streets. "In all sections of the city," says a correspondent, "pop! pop! go the effigies, little and big, either in the hands of children or suspended high above the streets. No American finds greater joy in a noisy Fourth of July than a Mexican seems to gather from reaping this tardy vengeance upon Judas"

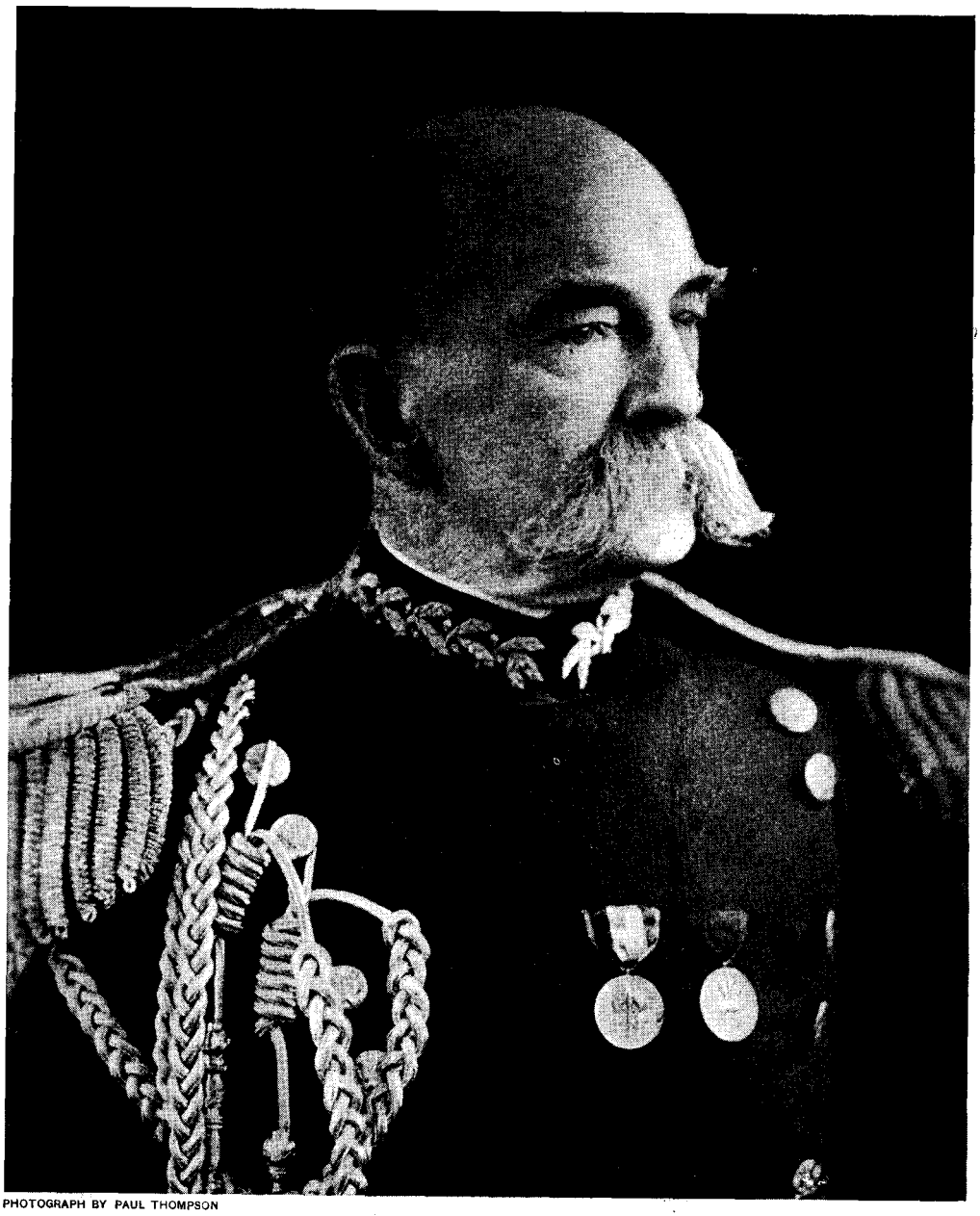
PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



PRESIDENT EDWIN A. ALDERMAN, OF THE UNIVERSITY OF VIRGINIA

At that historic institution, President Alderman, after a leave of absence of about a year and a half, will shortly resume his work. See editorial comment

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



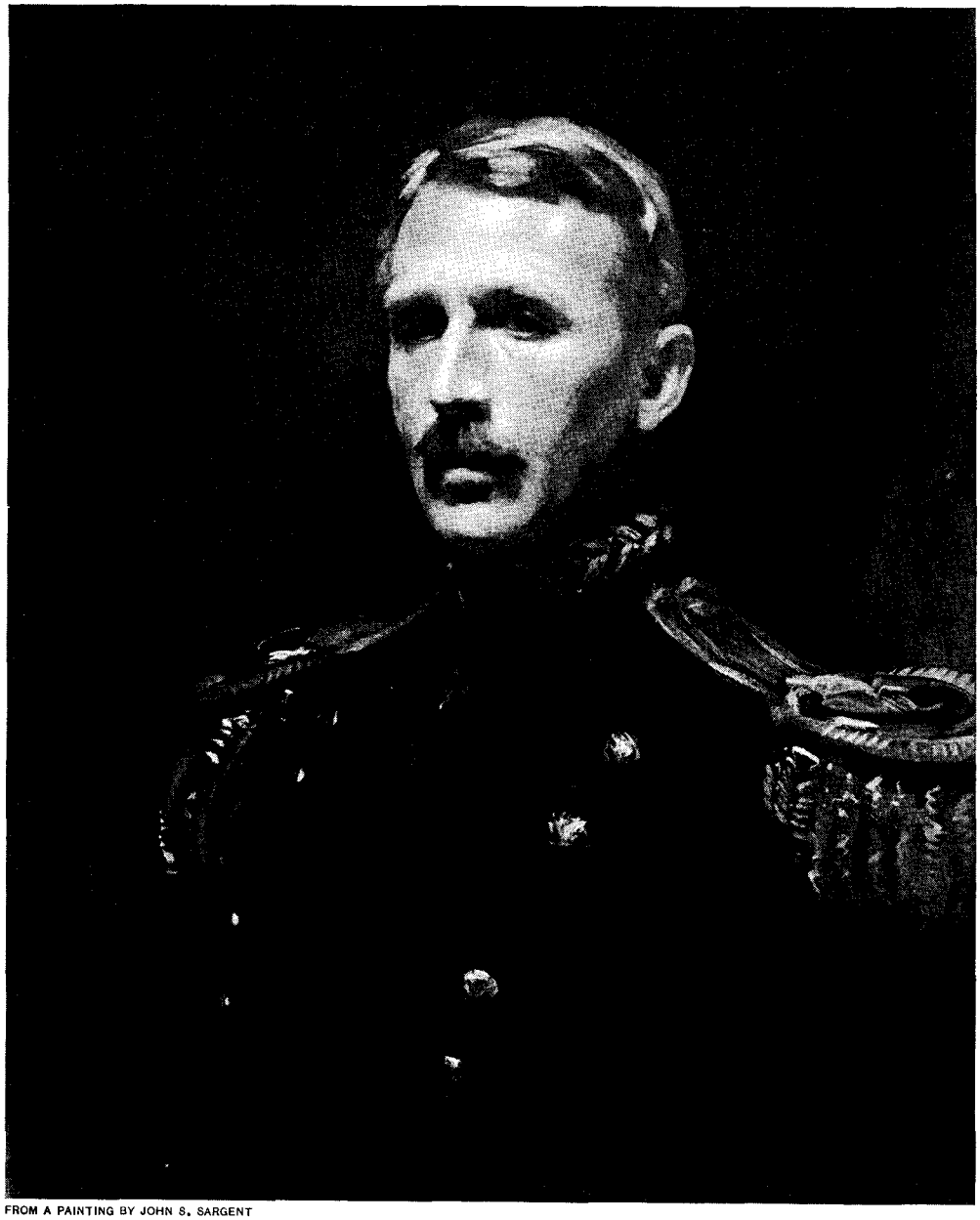
PHOTOGRAPH BY PAUL THOMPSON

MAJOR-GENERAL WILLIAM W. WOTHERSPOON

THE UNITED STATES ARMY'S NEW CHIEF OF STAFF

General Wotherspoon, now Assistant Chief of Staff, has been selected by President Wilson to be the new Chief of Staff of the army, on the retirement from that office of General Wood. General Wotherspoon has twice been President of the Army War College, and his administrative ability is widely recognized. See editorial comment

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



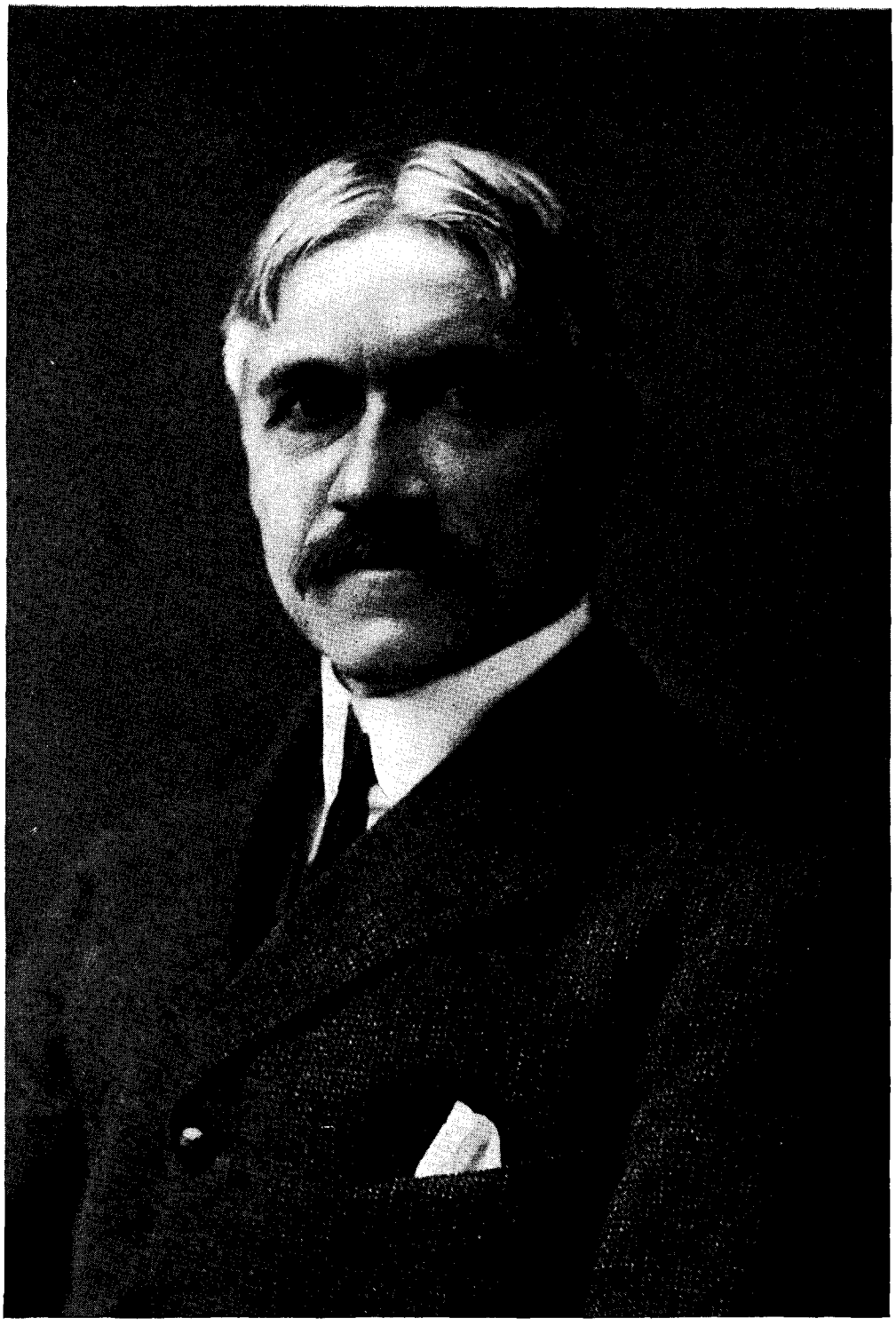
FROM A PAINTING BY JOHN S. SARGENT

MAJOR-GENERAL LEONARD WOOD

THE RETIRING CHIEF OF STAFF OF THE UNITED STATES ARMY

General Wood was appointed Chief of Staff in 1910 for a term of four years, which will end on April 22. He becomes Commander of the Department of the East, with headquarters at Governor's Island in New York Harbor. See editorial comment

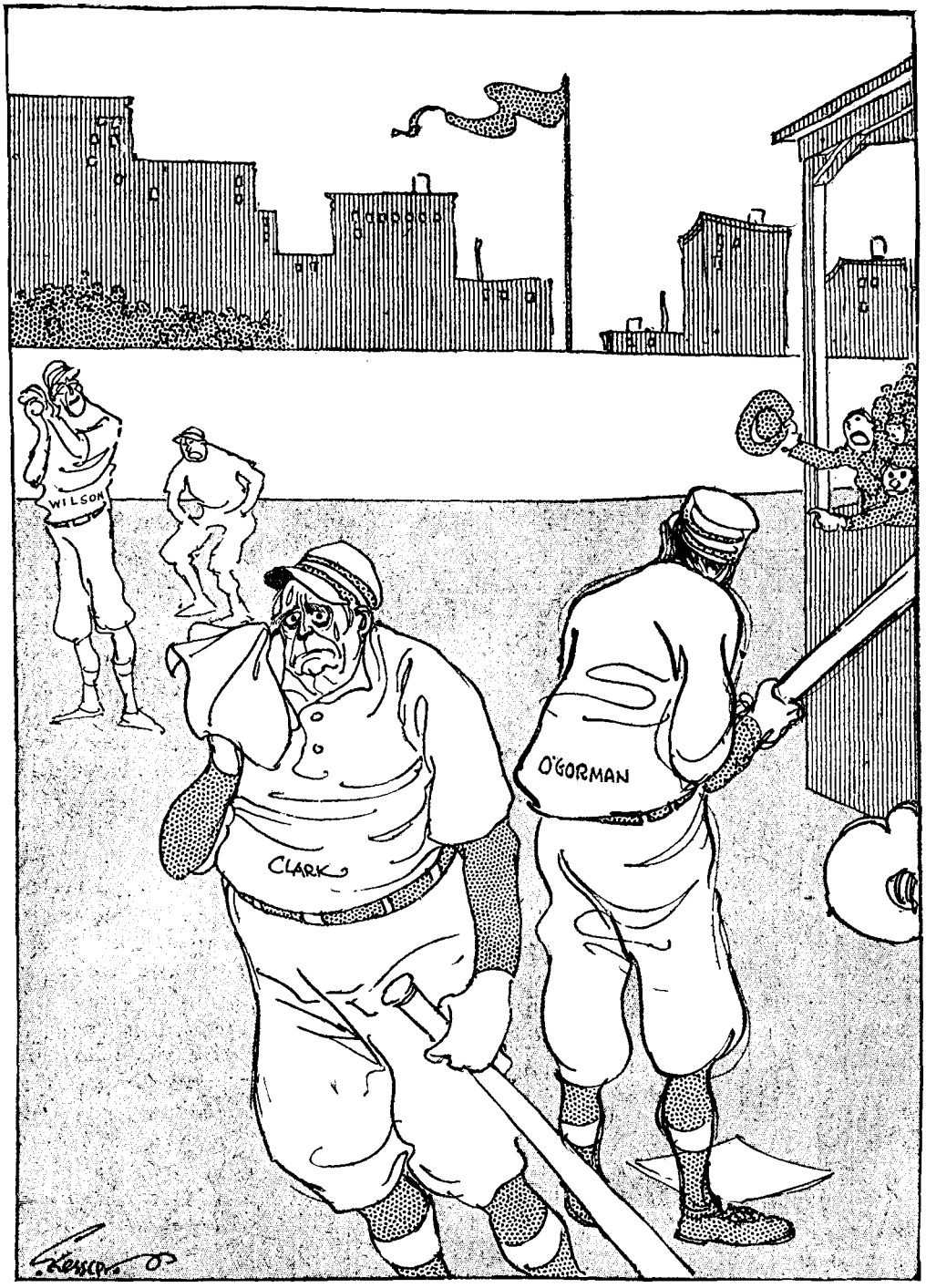
PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



WINTHROP MORE DANIELS, NEW MEMBER OF THE INTER-STATE COMMERCE COMMISSION

Mr. Daniels, formerly professor at Princeton, and later Chairman of the New Jersey Public Utilities Board, was nominated by the President to the Inter-State Commerce Commission several weeks ago; but his nomination was confirmed by the Senate only after a protracted struggle. *See editorial comment*

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



FROM THE NEW YORK EVENING SUN

"ONE OUT! BATTER UP!"

A good-humored sally by Cesare in the New York "Evening Sun" on the tolls question. In this game "two out" is "all out," for if, after Mr. Clark has been retired from the House, Mr. O'Gorman is struck out for the Senate, Mr. Wilson's opponents will lose their innings

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AN ARGENTINIAN KINDERGARTEN

As the inscription in the corner of the picture, in Mr. Roosevelt's handwriting, says, this is a photograph of "a kindergarten at the foot of the Andes." It is in Mendoza, and is mentioned in Mr. Roosevelt's article in this number

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of hundred school-children. The four women teachers interested me from the ethnic standpoint. Not one of them was of Argentine descent. The head one was of Spanish parentage, two of the others were of French parentage, and one, as she explained it, of Yankee parentage. But they could not speak any French or English, although they all studied more French than they did Spanish, and they felt themselves purely Argentines. This reminded me of an incident of my visit to Brazil. In São Paulo was a man of German origin who spoke only Portuguese. He had come when he was very young from a German colony in Rio Grande do Sul. When, many years afterwards, he returned thither, he had forgotten his German, whereas his parents had never learned Portuguese, and he was able to communicate with them only by means of his brothers and sisters, who knew both languages.

I spoke above of the way the children greeted me at my reception. The whole population so greeted me, and in all these cities of the Argentine, and in the small towns, I was similarly greeted. I was deeply touched by the cordiality of my reception, which was obviously intended not for me personally, but for one as at the moment typifying in their eyes the United States. Moreover, the Government showed me the same kind of generous hospitality that the Governments of Brazil and Uruguay had already shown me. Of course this again was not done for me personally; it was done as an evidence of good will towards the people of the United States. I do very earnestly hope that our Governmental authorities, and our people generally, will show similar courtesy and similar generous consideration for any representatives of these South American countries who visit the United States. The people of the country from whom the man comes accept such courtesy as being shown to them, and as being a proof of good will toward their country.

We dined at the house of the Governor. He comes of an old country family which has for many centuries led the life of the great cattle-breeding ranch-owners, although his people are now turning their attention more and more to agriculture, and he is himself a successful farmer.

As everywhere among the men of leadership, and to an astounding degree among the people at large, I found my position in politics thoroughly understood. I was accepted as a genuine democrat, a man who represented and stood for the forces of real democracy in a sane spirit. When I was cheered, my name was frequently coupled with a cheer for the "North American democracy;" for with all our shortcomings as a people, and probably largely because we recognize these shortcomings and strive to correct them, there is no question that we of the United States have come nearer to applying democratic ideals in practice than any other great nation has hitherto succeeded in coming. The Governor, I found, approached his governmental problems in precisely the spirit in which I had approached mine, and I grew to feel a strong regard and sympathy for his whole attitude.

His father was at the dinner. He had retired as a general after forty-nine years' service in the Argentine army. The fine old fellow represented what was best in the Argentine type before the days of modern industrialism. A very vigorous and manly best it was too. He wore the old Argentine uniform, which for his rank is the same as the uniform once worn by Napoleon's officers. He had served in the bloody Paraguayan War, when Argentina, Brazil, and Uruguay joined to overthrow the inconceivably murderous and bloody dictatorship of Lopez, and when the Paraguayans rallied with savage valor under the banner of the dictator who tyrannized over them, but who nevertheless represented in their eyes the nation. This old general had served in many Indian wars, both in Patagonia and in the Grand Chaco, and had seen desperate fighting in civil wars. He wore medals commemorating his services in the Paraguayan and Indian campaigns, but he would not wear any medals commemorating his services in the civil wars. Yet the only time he was wounded was in one of the battles in one of these civil wars. He was then shot twice and received a bayonet thrust, and was also stabbed with a lance. If he had not possessed a constitution of iron he would never have survived. Our people in the United States often speak of these South American wars with the same ignorant lack of appreciation that used to be shown by European military men in speaking of our own Civil War and other contests. This attitude is as foolish on our part in the one case as it was foolish on the part of the European gentlemen in question in the other case. The Indian fighting was of the same hazardous character, and the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Indian campaigns were fraught with the same wearing fatigue, and marked by the same risk and wild adventure, as in the case of our own Indian campaigns. In the civil wars and in the Paraguayan War, as in the wars which the Chileans have waged, the fighting was, on the whole, rather more desperate than in any contest between the civilized nations of Europe since the close of the Napoleonic struggles. There is no more formidable fighting material in the world than is afforded by certain elements in the populations of some of these Latin-American countries. The general of whom I am speaking was himself a most interesting example of a vanishing type. Lovers of good literature should read the sketches of old-time Argentine life which Mr. W. H. Hudson has collected in a volume under the title of "El Ombu." When they have done so, they will understand the strength and the ruthlessness which produced leaders of the stamp of the old general who in full uniform met us at dinner at the house of his son, the Governor.

WHY I HAVE A BAD EDUCATION

BY WALTER PHELPS HALL

We ask our readers after reading this article to take notice of the suggestion we make at its close.—THE EDITORS.

ALTHOUGH prepared for college by a well-known classical school, a Bachelor of Arts in one university and a Doctor of Philosophy in another, my education is far from satisfactory. The reason is clear enough; a glance backwards reveals the cause in the stupid and irrational insistence upon the dead languages to which so many are subjected.

By the time I, a trusting and docile boy, had reached the age of seventeen, it had been my lot to study the Latin language for five years and the Greek for four. Equipped forthwith with these great staples of the human mind divine, my reasoning powers strengthened and fortified by real mental pabulum, as my teachers told me, but in reality rendered dull and osseous, I was matriculated at college. To be sure, I was duly certified in the knowledge of certain other studies; of geometrical figures and algebraic formulas I must have known something, phantom-like ghosts of an uneasy past though they now appear. Also two years of German and a little English Literature had been meted out to me, together with a brief sketch of Ancient History, quite ancillary, as it were, to the work in the classics. The college entrance examinations in my case were twenty in number, and twelve of the twenty —if Greek and Roman history be included— dwelt exclusively with the classics. The other eight were divided between English, mathematics, and German. Nothing else was demanded. Of every branch of modern science I was as ignorant as an aboriginal Australian. If I knew anything at all of mediæval or modern civilization, it was purely fortuitous. Geography and American history were studied in grammar school, but in a primitive and amorphous fashion; the wealth of knowledge therein attained ranging from an enumeration of the capitals of Europe to a recital of the various battles of the Mexican War. Nowhere had there been a whisper of the workings of the American Government or of present-day social conditions in our country.

The *quid pro quo* which was mine in return for this lore of the ancients was meager in character. Certainly, as the result of the application of so many years, an appreciation if not a love for the recognized masterpieces of classical literature might at least be expected; yet of the former I have but little and of the latter none. Neither Virgil nor Horace is dear to me, and aside from these two poets five hundred pages contain all the classical Latin worthy of intensive study. Surely it is inexplicable that the precious time of the school-boy should be given over to the stupid military operations of Julius Cæsar or to the rhetorical vanities of Cicero. Greek literature, at least original, is expressive and beautiful, and as a youngster I well enjoyed my Iliad; but I do not read it now, and it is doubtful if I could. Herodotus and Thucyd-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ides are to be had in translation, and for Plato there is Jowett.

Never before have I made so complete a confession. Not only have I deceived others in this matter for years, but I have deluded myself as well. Some leisure day, I said, I will turn once more to the classics for their wealth of golden thought and philosophy staid and mellow. And the picture of this coming treat, a constant atonement for contemporaneous neglect, took its place among those beautiful foreshadowings of delights which the future is to bring. To enjoy the classics in moderation seemed the thing to do. It is always done in books, and is said to exist in real life. One wonders if it does. On scrutiny, my entire acquaintanceship fails to reveal an individual, not directly engaged in the teaching of the classics, whom I have ever known to read either Latin or Greek for pure pleasure. Many speak with feeling of the art superb of the writers of antiquity. Most of us have done so: but where are they who read them? A clergyman may, for conscience' sake, occasionally scan his Greek Testament, and other folk perhaps for motives similar pick up their dusty Virgils: but do any do so joyously? There may be such, but I know of none. Is it not, then, questionable to cram these distasteful doses down the protesting throats of our restive children? Yet we do so with gusto, and talk with wise unction of the value of the unpalatable. Two years' teaching experience in one of the better known of our minor colleges has brought me in close contact with a faculty of intelligence and culture, a faculty which nevertheless voted all but unanimously to restore to sophomore year the compulsory study of an ancient language. Did my friends on that faculty read Latin or Greek? They may have in the small hours of the night or behind closed doors; but if they did, I knew it not; and, what is more, I suspect that many knew as little of the classics as I, and some perhaps less. One even wonders whether they of Oxford and Cambridge are not equally self-deceptive in this matter; and though one speaks with diffidence on education in England, surely there is no evidence of any incontinent love for the ode Pindaric or the Latin Fathers among those graduates of her universities whom it has been my pleasure to meet.

The assumption is frequently made that from the classics may be extracted the mental training *sans pareil*. Of this there exists not one iota of proof. The study of Latin affords as good mental discipline as the study of biology, history, or any other well-synthesized subject, but discipline neither better nor worse. There is no psychological evidence extant that differentiates between Latin and German in so far as mental processes are affected, yet it is stoutly affirmed that the plastic intelligence of youth has but to be touched by the magic wand of Latin, and, presto! he thinketh. Why should this miracle be so devoutly believed when no reason worthy the name is advanced for its substantiation? Nevertheless this mysterious and romantic operation is a recognized axiom of the creed pedagogical, and only yesterday a teacher of physics assured me that, inasmuch as Latin construction was harder than German, the study of the former language developed a keener analytic ability in him who would decipher its occult meaning. What an argument is this! In all conscience, if difficulty in analysis is the desired end of education, let us introduce into our classrooms the mental gymnastics of Duns Scotus and the mediæval schoolmen. There is no exercise that involves more patient scrutiny and closer exegesis.

The benefits that a classical education confer may be compactly stated in one paragraph. First, they undoubtedly afford a good foundation for the Romance languages. This, however, is easily exaggerated; and, furthermore, the more profound the study of Latin, the less likely the pursuit of more than one Romance language, and, moreover, that one is all too frequently neglected. To study Latin seven years and French one, as was my own experience, is not particularly conducive to a knowledge of French. Second, the derivation of a majority of our English words may be traced to Latin or Greek, and it is unquestionable that by their study the meaning of, at any rate, the more unusual English words may be more readily appreciated. Here again there is danger of overstatement. If the classics are good, the dictionary is better. A man classically trained can define approximately the word "exiguous," but to become acquainted with its finer subtleties and literary use an appeal to Murray is still desirable.

Finally, in behalf of the classics the argument may in justice be made that not only do they introduce us to a great and flourishing civilization, but that also by their study the classical allusions in English litera-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ture are made clear. This argument is readily answered. If the time spent in the study of Latin composition alone was given to the classics in translations, it would provide a more thorough basis for the recognition of mythological allusions, and a better appreciation of the civilization of the ancient world.

The weary hours spent in the pursuit of the dead languages are not so much to be regretted as the loss, perhaps irreparable, of more catholic and useful knowledge. From a large part of that glorious literary, historical, and philosophical Renaissance of the twentieth century, Latin and Greek have all but debarred me. To read Hauptmann, Maeterlinck, Eucken, and Anatole France, one needs more than a reading knowledge of French and German; one needs a feeling knowledge as well, an ability to think, ay, and to dream, in the two great languages of the Continent. I cannot do that, and perhaps may never do it, and well I know the futility of picking my way through a living tongue even as a child deciphers his first story books. What consolation is it to read the Pauline Epistles in the original Greek, or the little, unauthoritative pamphlet by Tacitus on the habits of the early Germans?

Hardly, indeed, could we find an assumption more absurd than to expect the undergraduate to familiarize himself with four foreign languages, two living and two dead. It may be done. The college may turn out a linguistic automaton, with mind blank to chemistry, history, economics, and psychology; but the result is too dreadful to contemplate. As it is, the scientific training of most of us poor bachelors of art is desultory and picayune. The only science that I was taught was a little biology and geology; but slender as is that knowledge, I cling to it with great affection. The broadening effect of even one science is incalculable. When I compare the glorious vistas that historic geology laid open before my very soul with Plato's story of the death of Socrates—and there is nothing finer in Greek literature—I stand unhesitatingly by the geology. A trilobite is preferable to a second aorist. He, at any rate, is animate. And to think that had it not been for the pornographic plays of Terence, some knowledge of astronomy or botany might have been mine!

The indictment of Latin or Greek does not culminate with the neglect of modern languages or of science. The implanting of culture even in its narrowest and most intensive meaning, as defined in the ancient belief that "the glory of the classics is that they teach nothing useful," is sadly impaired by the stress laid upon the dead languages. I refer to the field of æsthetics. Nothing, probably, could ever have taught me to carry a tune, but there is no reason why certain rudiments of music should not have been given me. I have always had a curiosity to know what counterpoint is. Sculpture, one suspects, is confined generally to young ladies' seminaries. Architecture may perhaps receive one day's attention in a general history of western Europe. Painting does well to meet with equal emphasis, and landscape gardening certainly is unknown. Why should there be no general course in æsthetics? Why should our boys and girls be uninstructed in the art of Rodin, or less familiar with the Rheims cathedral than with the Parthenon? Is the mental discipline of the classics a sufficient answer?

A charge far graver is the inexcusable neglect of contemporaneous social knowledge and science which the classics foster. Are not the mind-widening influences of the opening of South America and the unlocking of Asia more significant to us than the adventures of Dido and Æneas? Can any problems be so important as those of our own generation? By every code of ethics, Christian or otherwise, man serves his fellow-man, and to do that he must understand with a sympathetic wisdom the circumstances of his daily life. To right existent wrong; to straighten up, clean out and make over, the crooked, muddled, and diseased plague-centers of society, one must know what they are, where they are, and how they came into being. Without such knowledge true leadership is impossible, and to demand leadership in an educated class without these qualifications is fatuous. The makers of a future America will know what is wrong and how to better it. If they do not come from the college they will come from elsewhere, and the college graduate will be relegated to the garret—a garret where the regalia of the Merovingian kings and even their influence will be entirely lacking. This article makes no pretense to postulate in full those categories of present-day information that should be the minimum equipment of the college graduate. It is, however, of prime importance for him to know the general conditions under which the work of the world is done; the hours and the remuneration of labor; the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

dangers of the various trades and the methods of preventing them; the protection, or the lack of it, afforded to the child and the woman; the treatment by society of the criminal, the pauper, the tramp, the emigrant, and the idle man of property. An intimate understanding of our own country there must be, while the phenomenal advance made by western Europe within our own generation may not be overlooked. Whether we taste of the fruit of the tree of good and evil or not, we must be aware of its existence. There can be no escape from the Egypt of economic bondage and moral iniquity into the land of Canaan the blest without knowing Egypt. For a boy or a girl to graduate from college entirely unfamiliar with the tide of European democracy onsurging throughout the last thirty years is unpardonable. But for a boy or girl to graduate from college in total ignorance of the intolerable conditions under which some men and women earn their living in this country of ours, and of the disguised child slavery before our eyes, is a disgrace.

The plea for a classic basis of education is but the expression of a spirit among certain educators that is unfair and injurious to the sensitive intelligence over which they have unfortunate authority. Mr. H. G. Wells in his brilliant little essay "The Discovery of the Future" has distinguished between "the legal or submissive type of mind," with its sacrosanct veneration for "treaties, constitutions, legitimacies, and charters," and the "legislative, creative, organizing, or masterful type which is perpetually attacking and altering the established order of things;" the mind "that sees the world as one great workshop, and the present as no more than material for the future . . . for the thing that is yet destined to be." If this generalization is just, and I think that, taken broadly, none can dispute it, it is a piteous fact that the former type of mind should so generally prevail among the teachers of our youth. Assuredly it is an axiomatic truth that the index of human progress is found in the advance of one generation over another, in the development of finer men and women. It is in the future only that our hopes lie; why, then, deliberately blindfold young eyes to the coming years and to the immediate present, the womb of the future, immerse their souls in the aspirations of the dead, and gloss over with the muddy varnish of worn-out "ideologies" the atrocities of modern life and the courageous nobility of those who combat them?

It is to be regretted that at the present there is something of a lull in the fight for educational reform. The hard-pressed conservative, driven out of his Greek,[1] has intrenched himself with his Latin in the snuggest of earthworks, while the radical, content with partial victory, has abated the attack. Eternal effort, however, there must be, for, by the laws of all things, failure to advance spells retrogression, and of late the apologists of the old order, emboldened by the preliminary lack of synthesis and discipline—an unfortunate accompaniment of the elective system—have displayed renewed activity. The distinguished scholar, Mr. Gilbert Murray, has recently told us how fond the British workman has become of Greek. A pamphlet supposedly representing an entire college class has been widely and semi-officially circulated within the last few years, advocating in all seriousness certain fallacious and mischievous aphorisms of Edmund Burke, the scholastic shoddiness of which reason and experience have long since laid bare. Furthermore, in our great preparatory schools, rapidly growing in size and social prestige, there has been a constant tendency to imitate those methods of English education which in modern Britain have borne such deleterious fruitage, and in this country ere long will cause it to be said that the value of a young American's training varies in inverse ratio to the fashionableness of his education.

The comment of the future historian on our educational system existent at the beginning of the twentieth century would be grim reading to us of the present. It is true that here and there the light of a happier day is breaking. Amherst College has had the temerity to announce for the next academic year a course in social and economic institutions for freshmen. In the new Columbia School of Journalism throughout a four years' course no Latin or Greek is required or expected, and it is thought that the graduates will write good English. A

[1] A contrary view, published since this article was written, by Dean West, of the Princeton Graduate College, appears in the "Educational Review" for March, 1914. Statistics are marshaled by Professor West to demonstrate the utility of Greek by proving that those students who have studied it average better in their general work than those who have not. Might it not be fair to question this assumption by offering two other explanations: one, that the boys who have studied Greek come from families in which an academic tradition and environment tend to produce a better type of scholarship; the other, that there is a constant tendency in the preparatory schools to press upon the brighter students the desirability of a training in Greek?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

glance at the historical laboratory of Columbia College will show, almost any day, eager and enthusiastic students working overtime on their filing of contemporaneous European newspapers, demonstrating once and for all the falsity of the assertion current with certain educators that the study of the present is "spineless pap," without discipline or consistency. These "barber surgeons of the mind," who make no distinction, in their muddled intellectual processes, between labor as such and disciplined, rational effort, must be driven from their fastnesses, or else forced to realize that labor without reason or utility is degrading to all that is fine in the spirit of man. We no longer have the treadmill in our prisons; some day there will be nothing that resembles it in our schools. We have struck our camp and have begun the march; but the fight for a thoroughgoing reformation has but just begun. As the situation is at present, the study of our own day, vitally essential to good citizenship, is entirely omitted from most preparatory schools, and is little more than a junior or senior elective in those colleges that pay to it any attention; whereas the study of the remote past, the true logical elective, is, in our Eastern colleges, almost everywhere compulsory. Until this condition of affairs is substantially reversed the radical reformer will never stand content.

*We propose a compact with our readers. If they will give us their opinions and experiences as to the value or uselessness of the so-called classical studies, in sufficient number to make the discussion profitable to all concerned, we shall be glad to present our position in this perennial debate.—*THE EDITORS.

LEAVES FROM A LAWYER'S REMINISCENCES

BY THERON G. STRONG

OF THE NEW YORK BAR

IV—FEES, REGULAR AND CONTINGENT

THE subject of fees is a sensitive point with lawyers. Judging from experience, it is also a sensitive point with clients. Where there happens to be a difference of opinion between the lawyer and his client as to what the fee should be, reputable lawyers, I think, prefer to make almost any concession to the client than to engage in a controversy. There is probably no more perplexing subject with which the lawyer has to deal than the fixing of his fee. This is due to the fact that there is no standard to guide him. Then, too, the difference between lawyers in the fees charged for the same service is very great, depending, of course, upon difference in experience, ability, and professional standing, and even among lawyers of the same relative standing the difference in the amount charged for the same service is at times very considerable. Some time since it became necessary for one of our most prominent lawyers to arrange with his associate, a well-known and adroit Jewish lawyer, for a suitable fee in a matter of considerable importance, and they met for that purpose. The former inquired what his associate thought would be proper, and the latter named an amount which, in his opinion, would be exceedingly liberal. What was his surprise to have our prominent brother protest vigorously that it was not enough, that double the amount would be no more than right, and suggested that the matter be left to him and he would arrange it. The Jewish lawyer could scarcely contain himself, and, raising both hands, exclaimed, "How can you ever charge such an amount? Almost thou persuadest me to be a Christian!" The matter resolves itself into a question of ability to command a fee that the business will justify. The measure of the fee depends entirely upon ability, experience, and professional eminence. The lawyer who needs business will quite likely take it for any fee, however small. It is not necessary that the busy lawyer should enter into competition, as the size of the fee he will expect will be quite irrespective of what may be

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

charged by others. Clients are sometimes heard to remark that they can get the work done for very much less elsewhere, and the successful lawyer immediately retorts that, if they can get it done *as well* for a less amount elsewhere, it is, of course, for their interest to do so. The good judgment of every lawyer comes into play in accurately gauging what his own interest requires, from the standpoint of the desirability of the individual as a client, the character of the business involved, and his own right, from the standpoint of ability, experience, and professional standing, to require the fee he expects. The difficulty and importance of the matter involved and the circumstances of the client are generally taken into account, and these vary widely. There is no greater opportunity for the display of tact than in fixing a fee which will leave a client grateful and appreciative.

There is a class of clients who seem to feel that in bringing business they are doing a favor and offering an opportunity, and that the favor shown and the opportunity offered are an equivalent for the service rendered. Then another class is disposed to think that any fee, however moderate it may be in fact, is high; while another thinks that your services are not worth much unless your charge is large. Then there is the client who always wishes to have the fee fixed in advance, one of the most difficult things to do, especially in the conduct of litigation. In such cases the client does not always get the better of the bargain, but, knowing the limit of the charge, is better satisfied. There is also a class of clients who prefer to regard litigation as a kind of gamble. They are willing to take some chances and they want their lawyer to take some; therefore they generally propose that the fee be fixed upon a basis of paying a certain amount if they lose and a very much larger amount if they win, the result being that if the litigation is a failure the lawyer will receive some compensation, though it be inadequate, and if it is a success his fee will be considerably in excess of the reasonable value of the service performed.

The grateful client is not frequent, but when, as happens sometimes, he voluntarily increases the amount of the fee, he does honor to human nature. But what shall be said of the high-minded Philadelphia practitioner of whom it is said that, on being paid a fee of fifty thousand dollars by a grateful client, he returned one-half of the amount because he felt that one-half was all that had been earned? A distinguished lawyer used to remark that, no matter what the money fee was, he never felt paid unless he felt sure of the gratitude of his client. It might also be added that no client should feel that he has really paid his lawyer until he has expressed his gratitude.

The difficulty of fixing a fee which will meet the approval of the client and at the same time compensate the lawyer was illustrated by a story related to me by Senator Spooner as having actually occurred. A good many years ago a well-to-do cotton merchant brought an action in one of the Southern States to recover certain cotton or its value, amounting to about seventy-five thousand dollars. The action was in the hands of counsel to whom he had been recommended, but in the course of the preparation of the case for trial he became dissatisfied as to their ability to conduct the case successfully, and was at a loss what to do. It so happened that as he was returning from their offices to his hotel he saw at a distance an old acquaintance who at one time had been a most prosperous and capable lawyer in Chicago, but, through unfortunate circumstances, had been obliged to abandon his practice and was reduced almost to penury. The merchant inquired as to what he was doing, and the other explained his hopeless condition owing to inability to find anything to do. "How would you like to try a lawsuit?" said the merchant. "How would I like to try a lawsuit? Why, I would like to try a lawsuit better than do anything else on earth." "Well," said the merchant, "come with me to my hotel and I will explain my case to you, and then I will take you to my lawyers and arrange for you to try it." This was like the sound of martial music to the old war-horse, and the introduction and explanation took place. The case came on in a few days, and the threadbare lawyer won it triumphantly. Then there came to his mind the question of his fee. He did not know what to charge; he wondered if five hundred dollars would be too large; then he thought perhaps it had better be only two hundred and fifty dollars; but that seemed small, and perhaps he had better charge three hundred dollars; and he laid awake almost all night, undecided whether the fee should be five hundred or three hundred dollars. The following morning he started for the office of the attorneys in the case, and who should he see approaching him, all smiles, but his opportune client.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Greeting him with the greatest effusion, the client took out one of those long pocket-books which held bills lengthwise, and, opening it, extracted a package of five hundred dollar bills. He handed one of them to the lawyer in silence; he followed it with another, and that with a third; then followed a fourth, and finally a fifth, and, looking up, he inquired: "Will that be satisfactory for the work you did yesterday?" "Well," replied the impecunious one, "add another, and that will be enough."

Probably few appreciate how much of the lawyer's work is uncompensated. There are always a considerable number of individuals in every lawyer's circle of acquaintance whom it is a matter of charity to serve, with the result that the gratitude of which he is the recipient and the consciousness of a service well performed for a worthy individual are better than any pecuniary reward. After all, the law could not yield genuine satisfaction unless sometimes used to befriend the unfortunate and to protect the fatherless and the widow.

The highest type of lawyer, although he is in practice to earn fees, is not one who practices simply for fees, but one whose chief end is to be serviceable and to transact the business in hand so as to produce the best possible result for his client, with a fee as a secondary consideration. In other words, his conception of his duty is to serve his client efficiently, irrespective of the time and labor involved, having in mind only an adequate recognition by the client in dollars and cents for faithful and valuable service.

There are some litigations, however, in which the subject of fees sinks into insignificance. This happens when the litigation is so prolonged that the whole amount involved will not justify an adequate charge, and, in fact, might not be even reasonable compensation, and then it becomes a point of honor with the lawyer to carry it, if possible, to a successful conclusion without hope of anything like a reasonable fee.

Almost all lawyers, I believe, prefer fees which are based upon the reasonable value of their services, considering the result secured. This is undoubtedly the ethical basis of practicing law, and it receives the approval of the Bar Associations and of the best element of the profession. In England, practitioners of the law, whether solicitors or barristers, regulate their fees almost entirely on this basis. The importance of the business involved necessarily affects the amount of the fees charged, but, generally speaking, solicitors have a definite and well-regulated scale of charges for the various items of service, to which the approval of their law societies and long-established custom obliges them to conform. To us a solicitor's fee bill is a curiosity, as it is made up of separate items, such as "writing a letter," "having a consultation," etc., very much the same as a grocer's bill would be made up, the total of the items constituting the customary fee. The barrister, on the other hand, proceeds upon a different basis. His fee is regarded as a *honorarium*. When a solicitor sends a brief in a case to be tried, it is accompanied by a retainer, and there is marked upon the brief the *per diem* fee. Of course the nature of the business and the standing of the barrister have everything to do with the fixing of the fee. The amount of the *per diem* fee differs widely between those who are juniors and the seniors—the latter being those who have graduated from the ranks of the juniors and have "taken silk" with preferment sometimes as King's Counsel. The *per diem* fee varies from one guinea to the junior to appear in court as a matter of form, and the two hundred guinea King's Counsel, who is constantly employed in matters of the greatest importance.

The barrister sometimes also receives another fee, called a "refresher," which in the course of a protracted litigation is supposed to refresh his drooping energies and stimulate his activity. It is undoubtedly true that barristers in large practice receive, and I hope earn, very large incomes, averaging during a series of years $100,000 or more, not differing, generally speaking, from those of lawyers of equal prominence at our own bar. Such great lawyers as Sir Roundell Palmer (Lord Selborne), Lord Chief Justice Coleridge, Lord Cairns, Sir Henry Hawkins (Lord Brampton), and undoubtedly the Anglo-American Judah P. Benjamin, received very large incomes. Of these, Sir Henry Hawkins, the 'Enery 'Orkins of the criminal bar, is said to have received the largest income ever gained at the English bar, but he was wise enough to refuse the most urgent requests to divulge the amount. Besides his criminal and common-law practice, which was very large, the great income which he received came probably from numerous retainers in land valuation proceedings in connection with the construction of the Thames Embankment and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

other London improvements about thirty years ago. In passing, I can recommend, to those who take pleasure in legal reminiscences, the delightful recitals contained in the two volumes of Lord Brampton's "Reminiscences."

I venture to say that at no time and in no country have the fees received by lawyers been as large as those received by New York City lawyers during the last thirty years. A fair and authentic illustration of the income received by an American lawyer of the highest type before that time will be found in that of Benjamin R. Curtis, of Boston, who during the sixteen years following his retirement from the bench of the Supreme Court of the United States received, as nearly as can be ascertained, $650,000, averaging $40,000 a year.

Occasionally, however, in earlier days, a large fee arrived. Take as an instance the fee of $400,000 said to have been charged by Henry L. Clinton in the Commodore Vanderbilt will case. William H. Vanderbilt complained that the fee was extravagant, and, if Mr. Clinton insisted on it, he would never again retain him, to which Mr. Clinton retorted: "Your future retainers are matters of indifference to me, because when you pay me my fee I expect to retire." Probably the largest single income from litigated business was received in 1911 by a prominent lawyer imported from one of the smaller cities of the interior of the State; this, after deducting expenses, amounted to a little over $1,000,000, $800,000 of which was a single fee received by him for the defense of a Western magnate in a criminal prosecution growing out of his administration of one of our banks. I have not been informed as to the sources of the remaining $200,000, but the accuracy of the fact above stated is vouched for credibly.

We have some reliable information in the records of the courts as to hundreds of thousands allowed for receiverships and executorships, as well as in railway organizations and cases of industrial consolidations, enabling a considerable number of successful American lawyers to maintain lordly establishments on a scale of extravagant expenditure.

An account is given in the book "Anglo-American Memories," by Mr. G. W. E. Russel, of Mr. Carnegie's sale of his steel properties to Mr. Morgan, at a price, it is related, that yielded him an income of £3,250,000, or $16,250,000. But the interesting part of it to the lawyers is the fee which he tells us two lawyers received for services during a period of eleven days in preparing the necessary documents and supervising the transfer—no less than $500,000. The legal complications and difficulties in connection with this sale were probably no greater than are involved in hundreds of smaller transactions which are effectuated constantly, and for which a hundredth part of this amount would be regarded as adequate compensation; but these accomplished lawyers are, of course, to be congratulated upon this munificent compensation, the justification of course being in the magnitude of the amount involved and the responsibility assumed. All this is very different from the former days of moderate fees, when the country lawyer used to receive his pay in "orders on the store," or in a parcel of land, or in a quantity of provisions, and the criminal lawyer, as indeed is said to be sometimes the case now, found his recompense by way of a fee for his successful defense in a purloined watch or an article of jewelry and sometimes a diamond ring.

The fees received in the early days of practice sometimes have a ludicrous aspect, as in an experience of my own—my first case—which was in a justice's court. I was employed by a small tailor to defend him against a claim of fifteen dollars by a music-teacher for giving lessons to his son. Diligent study resulted in discovering a defense based on the principle of "entire contracts." The study of the law of contracts in that case stood me in good stead in later controversies, and in this particular case my defense was successful. Then came up the question of a fee. Fifteen dollars being the amount involved, it was difficult to name an adequate fee without charging at least the whole amount. Happening to call on my client, intending to broach the subject of a fee, my eye fell upon a linen duster, of which I was then in need. I do not think its price was over $2.50, but a happy thought led me to suggest that I should take the linen duster as a fee for my successful defense, to which my impecunious client gladly assented, and I bore it away as tangible evidence of my professional skill.

The income of lawyers has always been a subject of interest, not only to lawyers, but to laymen. There are few subjects, probably, that are more matters of guess

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

work than this, especially as lawyers are very loth to disclose the amount of their receipts. Many are credited, from outward indications, with receiving far more than they actually receive, while others, credited with receiving little because of their quiet and inconspicuous practice, are in receipt of incomes that would occasion surprise if the amount were known. Outward indications amount to little. Large and expensive offices and a "bold front" impress the credulous, but they are generally deceptive. Of the entire body of about eight thousand lawyers in the city of New York, probably ten per cent are in receipt of very respectable incomes. One-tenth of the eight hundred may be in receipt of incomes of fifty thousand dollars or more; another hundred may be receiving between twenty-five and fifty thousand; another one hundred and fifty, between fifteen and twenty-five thousand; and the remainder will receive from ten thousand to nearly fifteen thousand. If the incomes of lawyers were revealed, it would probably occasion surprise to find how few lawyers receive more than twenty-five hundred dollars a year. In contrast with the large fees received in these later days, it is interesting to recall the statement of Mr. Choate in his entertaining address on Mr. Southmayd, that when Mr. Evarts invited Mr. Choate to join the firm of Butler, Evarts & Southmayd, in 1859, he wrote him that he might fairly expect that the net income of the firm, exclusive of his own outside counsel fees, would amount to $20,000.

Fees based upon the contingency of success or failure in litigation have since early times been generally condemned, resulting in statutes against champerty and maintenance. The former is described by Blackstone as "a bargain with a plaintiff or defendant *campum partire* to divide the land or other matters sued for between them if they prevail at law, whereupon the champertor is to carry on the party's suit at his own expense;" and the latter as "officious meddling in a suit that no way belongs to one by assisting either party, with money or otherwise, to prosecute or defend." These were offenses at common law as against good morals and as tending to encourage and foster litigation. It is undoubtedly true that contingent fees in a litigation are, generally speaking, objectionable as offering a means to unscrupulous lawyers for exacting unconscionable fees. Reputable members of the profession of the law at all times have generally disapproved them.

Recently a code of ethics, promulgated by the State Bar Association, has criticised contingent fees severely, but, notwithstanding the statutes, under which, as was said nearly thirty years ago, no prosecution had been had within the memory of men living, and the general disapproval of them by reputable practitioners, I think it may safely be said that a considerable proportion of the litigation pending in the courts in negligence cases or actions for personal injuries founded upon neglect of duty, as well as many mercantile cases and the suits formerly so numerous against the elevated roads for compensation to abutting owners, have been, and now are, conducted on this basis. This is almost invariably the case in proceedings to set aside taxes and assessments, as well as in the numerous claims against the Government of the State and of the United States. I believe it to be also true that in almost every litigation conducted by the most reputable lawyers the element of contingency enters into the question of compensation.

There are few, if any, lawyers who have a fixed and uniform standard of compensation that applies in all cases, irrespective of the result; while in almost every case, I believe, lawyers expect to, and do, receive more liberal compensation in case of success than they are willing to accept in case of failure. It is naturally the case that all reputable lawyers are willing to share with the client, to some extent, the risk of the litigation, and in case of failure sympathy naturally leads them to moderate their fee. There are cases in the experience of every reputable lawyer in which it would be a practical denial of justice to the unfortunate, oppressed, and impecunious client if the lawyer were unwilling to undertake their cause and let the size of his fee depend upon the result of the litigation, even though there were no definite agreement to that effect.

Undoubtedly in certain kinds of cases, such as those involving personal injuries, unscrupulous lawyers exact agreements for contingent fees which are harsh and oppressive. They make no distinction between cases that are plain and those that are doubtful, and they generally require an agreement for one-half of the amount recovered, besides the taxable costs, which are frequently considerable. Such agreements, in my opinion, are unfair and should be condemned, and

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

when questioned should be under the supervision of the courts, and the burden of proving that they are just, fair, and reasonable should be upon the lawyer who procures them. In view of the fact that the statutes alluded to and the general disapproval by reputable members of the profession have failed entirely to prevent the making of agreements for contingent compensation between lawyer and client, and that undoubtedly there are cases in which reputable lawyers in the interest of justice are willing to undertake litigations in which they assume the risk of obtaining no compensation unless they are successful, it is probably true that the practice of arranging for contingent fees cannot be suppressed.

Even a practitioner of such a lofty sense of professional honor as Mr. O'Conor undertook the Forrest divorce case with his compensation depending largely upon the result. It led him also to furnish loans of money to his client for her subsistence during the progress of the litigation, and it was not until its successful termination that he secured a reasonable compensation out of the alimony and costs awarded.

Leaving out of view, however, the question of professional ethics, and considering contingent fees from the standpoint of legality, the question has been set at rest by the Court of Appeals in favor of their legality, in the case of Fowler vs. Callan (102 N. Y., 395).

Some instances have occurred in my own experience in which a sense of justice led me to undertake business of this character. In the early days of my practice an improvident young man, wholly without means and in poor health, was referred to me to obtain redress for what seemed to me to be a great wrong. At an early age, before his majority, he had, as an heir of his deceased grandfather, inherited an interest in an estate under his grandfather's will by which a son, then a Methodist minister, was appointed executor and trustee. My client's interest consisted largely of an undivided share in real estate which for a considerable period of time remained unsold. During this period, being in want of money, his uncle, the executor and trustee, entered into negotiations with him for the purchase of his interest in the estate, which he finally sold to his uncle for $10,000. Subsequently the real estate was partitioned, and at the partition sale the interest of my client amounted to $20,000, by which the uncle realized a profit of $10,000. He naturally felt that his uncle had taken undue advantage of his immaturity and inexperience, and that, while relying upon his uncle's judgment and superior information as executor and trustee, he had been led by his uncle's representations to convey his interest for much less than its actual value, which was undoubtedly the case. He had no friends upon whom he could rely, and during a somewhat wild and wayward life had wasted in riotous living what he had already received, and was in no position to institute what was likely to be an expensive litigation. He had already consulted counsel, who had advised him that, as there appeared to be no basis in the uncle's representations upon which a charge of actual fraud could be founded, he had no cause of action against him.

I was not aware of the fact that other counsel had been consulted when the case was presented to me, but on examination there seemed to be a reasonable prospect of success upon the ground that, as the uncle was executor and trustee and the nephew one of the beneficiaries, a relation existed which raised a presumption of what is called constructive —as distinguished from actual—fraud in the purchase by the uncle from the nephew of his interest in the estate; that the burden was upon the uncle to prove that the transaction was just, fair, and free from suspicion, and unless that proof was made the transfer would be set aside and he would have to account to the nephew for the profit received. I therefore made an arrangement with the young man on the basis of a reasonable contingent fee.

In due time the trial occurred before Mr. Justice Abraham R. Lawrence, who, after long deliberation, decided in favor of my client. The uncle relied upon proving that there was no actual fraud, but his counsel seemed to have omitted to give due importance to the question of constructive fraud, and I well remember the consternation with which they received the learned justice's decision refusing to dismiss the case. An appeal was taken by the uncle, but the decision rendered was sustained. The course of the litigation occupied probably a year and a half. The failing health of my client warned him that he had not long to live, and it gave me the greatest pleasure to pay over to him about eight thousand dollars which enabled him to provide himself with comforts and medical attendance during the next two or three years,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

when he died. It has always been a gratification to me to think that I was able to befriend him. The case is reported under the title of Lambert vs. Browning (25 Hun., 450).

Another instance that arose out of pitiable circumstances was the case of a brakeman on the New York, New Haven, and Hartford Railroad, who, by the negligent manner in which a car was loaded with manure, was precipitated underneath the moving train by the slipping of the manure while he was stepping from one car to the other in the discharge of his duties, both of his legs being so crushed as to require amputation. The case was exceedingly doubtful, inasmuch as, being an employee, he assumed all the incidental risks of his employment, and it was incumbent upon him to show that the railway had failed to exercise reasonable care to provide reasonably safe appliances for the discharge of the duties of his employment. There was the further question as to his right to sue the railway in our courts, because it was claimed by the company that he was a resident of the State of Connecticut, and, as the injury occurred in Connecticut and the railway was a foreign corporation, the injury was not therefore the subject of investigation in our courts.

I was requested to undertake the case by a highly reputable Connecticut lawyer, who explained to me satisfactorily that, owing to the practice prevailing in Connecticut, there was no hope of securing adequate redress in its courts. He also explained to me that the injured brakeman was entirely without means, and in his weakened and helpless condition was unable to earn anything, and that the humble circumstances of his friends made it reasonably sure that unless he could secure from the railway some compensation for this frightful injury his life would be spent in abject poverty. He was very anxious that I should undertake the case, and stated that any arrangement that could be made with me would be satisfactory. I suggested a percentage of the amount recovered, which was eagerly agreed to, and an action was begun. The case was well and ably defended and was tried before that excellent judge Joseph F. Daly and a jury, with the result that the jury gave my client a verdict of $12,000. The company was not satisfied with the result and appealed the case, but the verdict of the jury was sustained; and it was with great satisfaction to myself, and to the unbounded and overwhelming gratitude of my unfortunate client, that I was able to pay him an amount which, prudently invested, would render him entirely independent during the remainder of his life. The case will be found reported under the title of Phelps vs. New York, New Haven, and Hartford Railroad Company (17 App. Div., 392).

Another and final instance of a similar character was the case of a prosperous and well-to-do individual of a somewhat bumptious and exuberant disposition, whom I had casually met, but never served professionally. He appeared in my office one day, and in a vociferous way remarked: "Strong, I have a case in which I want you to go halves with me. I won't spend any money on it, but I will give you half of what I get." I told him that that was not my usual way of conducting business, and that I thought it would be better for him, and more satisfactory to me, if he had a reasonable case, to pay a reasonable sum for my service, as he was able to do, and get the benefit of the litigation if successful. He scorned the idea, and said that he would do nothing else than what he had proposed. He told me that it was a case against an insurance company in which he held a policy of fire insurance; that his house had burned down and that the company had declined to pay because of various changes in the occupation of the premises, and the procurement of other insurance, and the omission to obtain, in due and legal form, transfers of the insurance so as to render it enforceable by my client, and unless enforced by him it could not be enforced by any one else. I told him I would examine the case and advise him as best I could. Subsequently he appeared with his papers, and an examination of them revealed an extremely complicated case, and one full of legal difficulties. It seemed to me, however, that he had a fair prospect of success, and, as he was unwilling to make any other arrangement, I concluded to accept his terms and proceed.

The case was tried before Judge Noah Davis (one of the best judges ever on the bench in this State in my experience), as referee after his retirement from the bench. He also found the case one of doubt and difficulty, and he said to me subsequently that it was with much reluctance that he gave a decision in our favor. My client then revealed to me for the first time why he was unwilling to incur any expense and was so liberal in going halves. It seems that he had already presented his case to a firm of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

lawyers, his regular counsel, who had given it careful examination and decided that he could not succeed. The case was defended by one of the best insurance lawyers whom I have ever met—Judge A. H. Sawyer, of Watertown, New York. He was of course greatly surprised at Judge Davis's decision and immediately appealed the case to the General Term of the Supreme Court, by which the judgment was affirmed. Our troubles, however, were not over, because a further appeal was taken to the Court of Appeals, and before that tribunal it was sure to receive a most careful and critical examination. At that time Alton B. Parker was Chief Judge of the Court of Appeals. As sometimes happens in every lawyer's experience, my argument seemed to go entirely wrong and to be absolutely unconvincing. It was with great discouragement that I returned from Albany; but the Court, after holding the case under advisement for a long time, affirmed the judgments of the courts below, and my client and I halved the proceeds. Later on, at a reception which was given by the Bar Association, I happened, glancing up, to meet the eye of Chief Judge Parker, who was smiling at me, evidently desirous of telling me something. On my approaching him, he grasped my hand in his usual hearty way and whispered in my ear, "Strong, you don't know how narrowly you escaped being beaten in that insurance case." As Judge Parker had written the opinion, I felt sure that he knew what he was saying. This case will be found reported under the title of Dewitt vs. The Agricultural Insurance Company (157 N. Y., 353).

This whisper after the event suggests one before the event in a litigation in England that involved the title to a considerable estate. A gentleman's title to an estate of which he had been in possession for a long time was attacked by a collateral relative who claimed inheritance and right to the possession of the property by reason of the provisions of a will that formed a link in the chain of title. The result was a litigation, the landlord in possession refusing to consider compromise. The first decision was against the claimant, but an appeal having been taken, the case was elaborately argued by distinguished lawyers before a bench of five judges. It then became apparent that the point involved was one not free from doubt, but, notwithstanding this, the occupant declined to consider the subject of compromise until one day when he attended a social function at one of the great houses at which one of the Appellate Justices, with whom he was acquainted, happened to be present. Each of them recognized the impropriety of personal intercourse before the case was decided, but they were brought together by chance, and, greeting each other pleasantly, the learned justice leaned forward and whispered in the ear of the other: "Agree with thine adversary quickly while thou art in the way with him," and then passed along. The occupant, being keen enough to appreciate the significance of the remark, proceeded at once to his solicitor and entered upon negotiations for a settlement, which was finally brought about at some sacrifice, and his title secured. The Court, not being advised of the settlement, rendered its judgment favoring the adverse claimant, and but for the significant whisper the occupant would have lost his estate.

The cases to which I have referred were exceptional, growing out of circumstances not dissimilar to those which induce lawyers generally to let their fee depend on the result. Making it a business to undertake cases upon a contingent basis should be discouraged. Undertaking business of this character, except under special circumstances, will have an unfavorable effect upon a lawyer's practice, especially the young practitioner, who will soon find that his practice is being built up on cases of contingent fees, with a consequent decline in his professional standing. Proper regard for legitimate professional methods is the expectation of a reasonable compensation for services rendered, in which the result secured should have due consideration.

The four articles here concluded are only records of a limited portion of Mr. Strong's experience and impressions as a practicing lawyer. These chapters, together with a number of others, are published in book form by Messrs. Dodd, Mead & Co., of New York. The volume is entitled "Landmarks of a Lawyer's Lifetime."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

COMMERCE AND FINANCE

A WEEKLY ARTICLE BY THEODORE H. PRICE

RANDOM REFLECTIONS UPON THE FEELING AND FACTS OF BUSINESS

THE Plaint of the Pessimist grows louder. Coming back from the West the other day, I sat in the smoking compartment of the Pullman with four drummers. They were all returning home earlier than usual because they couldn't sell enough goods to pay traveling expenses. Railway earnings are decreasing. Men are being discharged. In New England many shops are closed or running short time. It is even reported that fewer automobiles are being sold and that only two makes, the Ford and "Cantafford," are likely to be popular this summer. Economy is in fashion and penury is the vogue. The German Emperor has ordered that banquets hereafter shall be simple and not over forty-five minutes in the serving. In Paris an association of fashionable folk have pledged themselves to abstemiousness and dinners of not more than three courses.

In things serious and things frivolous a consciousness of "hard times" is expressed, and there is little competition in "expense regardless of pleasure."

The very atmosphere is one of depression and the telepathy of discouragement is making every one feel subnormal. The prevalence of this feeling has led me to seek for some statistical evidence of dull business. Naturally, I turned first to the stock market. Speculation there is dormant, but the prices of good securities have ceased to decline and nearly all the swindles have been exposed.

On Friday, April 3, the list of bonds traded in on the New York Stock Exchange comprised a greater variety of issues than had ever previously been bought and sold in a single day.

Bank clearings, generally admitted to be the best index of business activity, do not indicate dull trade. For the week ending April 3 the clearings at the seven largest cities of the United States show an increase of 5.8 per cent as compared with last year. For the month of March the clearings at 160 cities show an increase of 0.8 per cent over 1913, and clearings for the three months ending March 31 are only 1.5 per cent under the figures of a year ago. If it were not for the prevailing dullness of speculation, bank clearings would probably be much larger than last year.

It is reasonable to assume that bank clearings now reflect the volume of legitimate, necessary, and non-speculative trade, and that, since they are as large as, if not larger than, last year, this trade cannot be falling off, as so many proclaim. What, then, is the cause of the general lugubriousness? Is it a case of auto-intoxication with the poison generated by a contemplation of past losses, mistakes, and extravagance? If so, the prevailing despondency will be short-lived. In fact, there are evidences that it is rapidly passing. The tonic of easy money is one that enterprise has never been able long to resist. Its effect is first evident in advancing prices for the best securities; the second best next share the improvement; and, finally, a careless speculation develops that is ready to buy anything upon the chance of reselling it to some one else at a profit.

The last is the dangerous stage, when extreme caution is necessary. Just now even first-class securities are obtainable at prices which would seem to have discounted almost every factor of depression, including even an abandonment of hope. Those who have yielded to or have been affected by the prevailing pessimism are adding an unnecessary and emotional strain to whatever real distress they may have experienced.

To such the following lines, by an unknown optimist, are recommended as a counter-irritant:

"A crowd of troubles passed him by
As he with courage waited:
He said, 'Where do you troubles fly
When you are thus belated?'
'We go,' they said, 'to those who mope,
Who look on life dejected;
Who weakly say good-by to hope—
We go where we're expected.'"

The Case of the Railways and their need of higher rates has been presented in the daily press with a fervency that some regard as special pleading. What are the merits of the question? The railways in the territory east of the Mississippi and north of the Ohio

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

River, including the Chesapeake and Ohio Railway, have applied for authority to advance their freight rates five per cent. They made the same application in 1910, and it was refused. Their total freight revenue in the year 1913 was slightly less than one billion dollars. On these figures, the advance, if allowed, would increase their gross revenue about $47,000,000. On the basis of this year's traffic, the gain would be hardly more than $40,000,000. If they get what they ask for, their employees will doubtless be encouraged to demand that wages shall be raised, and the vicious circle of higher rates, higher wages, and again higher rates will be reforged into more permanent shape.

The roads which ask for the advance employ about 700,000 men. If, instead of increasing freight rates, wages, including those of all officials, should be reduced ten per cent, the result in so far as net earnings are concerned would be the same as if the gross earnings were increased by five per cent. Such a reduction would average about twenty-five cents a day per capita, and its effect would, in the long run, be much more wholesome than an advance in rates, which would only subject the railways to fresh demands upon their revenue that would make it necessary to apply again for an advance, and so on *ad infinitum*. The railways themselves have come to appreciate the necessity for economy whether or not they get the advance in rates, and, while they have not yet cut wages, they are giving up many expensive passenger trains and laying off many employees.

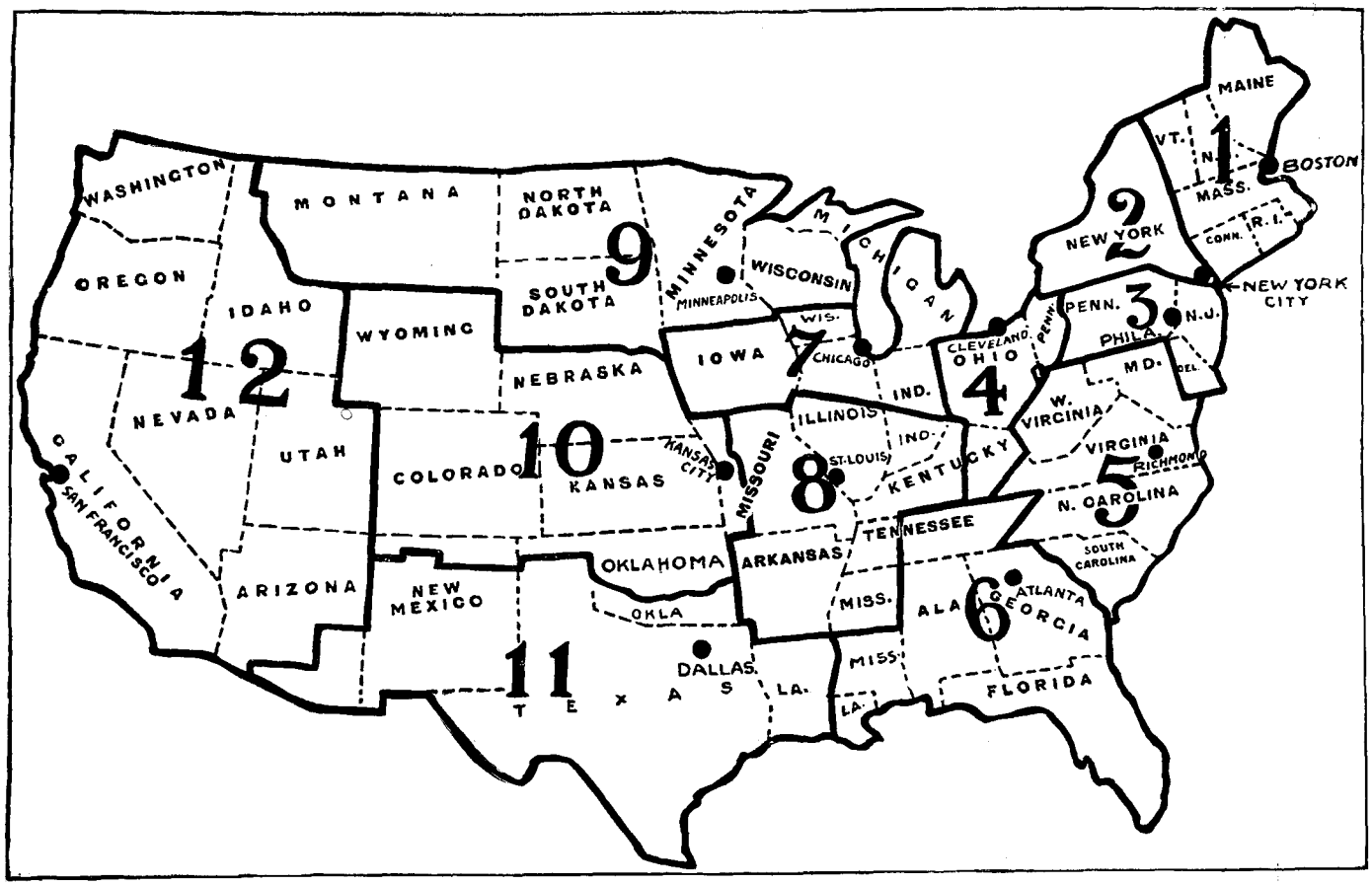
This is disagreeable, but it is necessary and healthful. It should diminish apprehension in regard to what the Inter-State Commerce Commission may or may not do. The railways are like the individual. When they abandon unnecessary luxuries they make a real saving. Limited trains run at a high speed with manicures, valets, baths, and barber-shops are generally unprofitable and should not be continued at a loss. Then, too, the Sherman Law is responsible for a good deal of unnecessary waste in railway administration. The Inter-State Commerce Commission forbids any competition in rates. The Sherman Law prevents pooling. Recently I went to meet a prominent Englishman whose mission to this country made it necessary for him to travel extensively.

On the dock waiting for him were solicitors from five different American railways who had been apprised of his coming by their representatives in London. His fare for the trip he had in contemplation could not have been in excess of $200. The wages and expenses of the five men in New York and the other five in London who were employed to get him to travel over their respective lines could hardly have been less than $5 a day, and all of them were about half a day in attendance upon him. At a low estimate $25 was spent in an endeavor to secure a fare of $200 that would, in any case, have gone to some one of the railways. This represents a tax of twelve and one-half per cent upon earnings that could have been saved if the railways were allowed to maintain joint offices and pool their revenue. The public would also be better served if the choice of routes made no difference in the income of the railways, for then the advice given travelers would be disinterested.

The Springfield "Republican" has taken occasion to criticise a previous article of mine pointing out the absurdity of the Sherman Law as applied to railways.

It accuses The Outlook of inconsistency because in its pages I have opposed the use of the Sherman Law to disintegrate our railway systems, and points out that the first attempts to enforce the law as against railways were started by a Roosevelt Administration. This gives me opportunity to say that I am a Democrat and not a Progressive. The views that I express are my own, and are not shaped by any political consideration. It is my sincere belief that the Sherman Law is an economic absurdity as applied to railways and other corporations whose every act is subject to Governmental control. It is violative of the co-operative principle that has made for the progress of civilization in the past. It is wasteful and destructive in that it forces the employment of many men in an attempt to get business and do work that could be done by one. Logically applied, it will bring about the destruction of the weak, the domination of the strong, and a condition in which competition will be impossible, because only one competitor will have survived. I am not even in agreement with the editors of The Outlook as to the wisdom of what I regard as an over-refined and detailed regulation of business by the Government. The limitations of human life and the great "trust buster" Death can be relied upon to destroy oppressive monopoly in most cases. They are about

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



THE FEDERAL RESERVE BANK DISTRICTS

Showing the twelve districts and the central bank city for each

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

as quick as litigation, and far less expensive. When they fail, public service commissions empowered to act as policemen in the enforcement of sound economic law may be called in; but, as a rule, supply and demand, or the intelligence of those who are clever enough to obtain a monopoly, may be relied upon to preclude its abuse.

In no single instance that I know of has the dissolution of a trust through a resort to the courts resulted in lower prices for its product, though in some cases larger profits have accrued to some of the more efficient members of the disintegrated combinations.

The Standard Oil Company is a case in point. There are many others. The reason why lower prices have not followed dissolution is that efficiency has been diminished and the cost of selling increased by segregation. It is also true that great combinations have a respect for and a fear of public opinion. This is an influence that does not restrain the predatory instinct when that instinct is an element of general competition. These views may be regarded as radical or reactionary, but they are shared by an increasingly large number of thoughtful men who are coming to believe that in union and "bigness" there is a strength, a responsibility, and a responsiveness to public opinion that cannot be expected from a multitude of un-coordinated units, which under the lash of a lawsuit are driven into an unwilling and ruinous competition.

The Federal Reserve Banks are at last located and the regions that they are to serve have been defined. Of course no one is entirely pleased with the action of the Committee which was charged with the responsibility of dividing the country into financial districts and deciding where each central bank should be established. The rivalry between our American cities is so intense that it would never be possible to satisfy them all. On the whole, the difficult task has been wisely performed. The regional boundaries established will in some cases deflect financial intercourse from well-worn channels, but this could hardly be avoided. The Federal Reserve Bill contemplates a distributive equalization of American banking power.

Even an approximation to this ideal made it necessary that the field naturally tributary to New York should be curtailed in favor of Philadelphia and Boston. This explains why northern New Jersey and Connecticut are forced into relationships that seem rather unnatural.

New Orleans and Baltimore are grievously offended at the choice of Atlanta and Richmond as Reserve cities. Missouri is elated at having secured two banks, one at St. Louis and the other at Kansas City.

If the Committee had really desired to assuage interurban rivalry, it should have put the Minnesota bank midway between St. Paul and Minneapolis and the Texas bank at Dalworth, a town so named because it is equidistant from Fort Worth and Dallas.

These suggestions will be appreciated by those who know anything of the self-esteem in which each of these cities holds itself and the condescension with which it regards its nearest neighbor.

The newspapers of the various districts that are published *elsewhere* than at Atlanta, Minneapolis, Richmond, and Dallas allege that the self-conceit of these four cities has now become more intolerable than ever, and the suggestion has been made that the Attorney-General should prosecute them under the Sherman Law for an oppressive monopoly of municipal pride. A map published herewith will give a rough idea of the way in which the country has been divided. The Central Reserve cities, the population of each district, and the indicated capital of each Reserve bank are as follows:

Reserve Cities.	Population of District.	Capital of Reserve Bank.
First, Boston.....	6,557,881	$9,931,740
Second, New York.....	9,113,279	20,687,616
Third, Philadelphia.....	8,110,217	12,993,013
Fourth, Cleveland.....	7,961,022	11,621,535
Fifth, Richmond.....	8,519,513	6,543,281
Sixth, Atlanta.....	6,695,341	4,702,780
Seventh, Chicago.....	12,636,383	13,151,920
Eighth, St. Louis.....	6,776,611	6,219,323
Ninth, Minneapolis.....	5,724,893	4,702,864
Tenth, Kansas City....	6,306,850	5,594,916
Eleventh, Dallas.....	5,310,561	5,634,091
Twelfth, San Francisco.	5,389,303	8,115,524

Thus far, only 73 out of a total of 21.781 State institutions have joined the Federal System. If other States liberalize their banking laws as New York has done, the competition between the State and National banks will doubtless become increasingly active. Up to date, the resources of the Federal System are about $9,000,000,000. Those of the State systems aggregate about $14,000,000,000. These figures foreshadow active rivalry.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE NEW BOOKS

MURAL PAINTING AND AMERICAN ART[1]

Half a century ago, as Mr. Blashfield says, the American "fresco painter" was invariably an Italian or a German; he generally worked in the vestibule between the "storm door" and the "front door." At the same epoch, sculpture dwelt in a tray upon the head of a vender, also an Italian; the tray contained plaster lambs and busts and statuettes. In one of Leech's pictures, noted by Mr. Blashfield, a flunkey, with calves appropriate to his position, stands upon the steps barring the way, and says to the vender who holds out a plaster Apollo Belvedere, "Yes, I dessay it's all very fine, but it's not *my* idea of a figger."

Just so, many laymen and, Mr. Blashfield thinks, even some artists still say, "Yes, decoration is all very fine," but make the mental reservation, "It's not my idea of art; it has neither frame nor shadow-box, and it does not figure in the catalogue."

Now, as a matter of fact, if decoration is "the oldest, most inclusive, and most exacting of the arts," certainly, of any form of decoration, mural painting seems the most exacting, as it is the most complicated; for its scope includes landscape, figure, and portrait painting. Moreover, as Mr. Blashfield says, "its practice demands the widest education, the most varied forms of knowledge, and the most assured experience."

The appearance of Mr. Blashfield's book on mural painting is an important event of the season in the art world. Himself a prominent painter of mural pictures, he is also a teacher, as the present volume shows. In it he summarizes his views on art in general and on mural painting in particular—an amplification of the lectures recently delivered by him before the Chicago Art Institute.

The present period of mural painting in America may be said to have begun with John La Farge's decoration of Trinity Church, Boston, in 1876, and with William Morris Hunt's short-lived paintings in the Albany Capitol in 1878—for they fell from imperfectly plastered walls. Then came Mr. Low's ceiling at the Waldorf Hotel in New York City. Then came the works of Sargent, Abbey, and Puvis de Chavannes at the Boston Public Library. Nearly contemporaneous with them was the World's Fair at Chicago, where such mural painters as Millet, Turner, Beckwith, Blashfield, Cox. Simmons, Reid, and others tried their hands. A few years later the Congressional Library at Washington still further accentuated the progress of mural painting in America and brought into prominence such artists as George W. Maynard and Henry Oliver Walker. Then came the period of decoration of the new State Capitols in Minnesota, Iowa, Wisconsin, and South Dakota; of the decoration of Federal buildings, court-houses, and post-offices in Cleveland, Youngstown, Newark, Wilkes-Barre, Baltimore, Jersey City, and of such specially notable decorations as those at Bowdoin College, and in New York City of Mendelssohn Hall and the Church of the Paulist Fathers.

These achievements in mural painting indicate that many American artists have a natural inclination towards mural painting; certainly one associates "a highly developed decorative sense with the names of such painters as Vedder, Cox, Parrish, Miss Oakley, Barry Faulkner, Jules Guérin." Mr. Blashfield's own name might head such a list as one recalls his work at the Wisconsin State Capitol.

A decorator himself, a man of large culture and wide experience, Mr. Blashfield's opinions on what one might call "the business side" of mural painting have practical point. He points out that harmony should exist between the building commissioner and the architect, between the building commissioner and the mural painter, and between the architect and the mural painter. As matters now exist, the painter cannot generally provide that incidental environment and decoration which should put his own work in proper perspective and place. For instance, the lighting of a room may be completely changed from the original plan, and yet the mural painting already ordered must fit into lighting and surroundings for which it was never intended. Sometimes mural paintings must be adjusted to a room which the painter has seen only in imagination. Puvis de Chavannes, for instance, painted his designs for the Boston Public Library without anything more tangible at hand than the architect's drawings and a sample of the marble. Any discerning visitor to the Boston Library can

[1] Mural Painting in America. The Scammon Lectures. By Edwin Howland Blashfield. Charles Scribner's Sons, New York. $2.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

imagine quite a different color scheme coming from Chavannes had he seen the actual building. The Boston Library, and, still more, the Congressional Library, show decorations which might have been other than they are had the painters been more familiar with the actual structures, or had the paintings been ordered after the finishing of those edifices.

Not only should harmony be assured in the relations which the building commissioner, the architect, and the mural painter hold to one another; there should also be what Mr. Blashfield calls "mutuality" among mural painters. The artist engaged to place a large decoration in a panel of a great room may be in peril of having his painting lose its true value if those who do the incidental and minor decoration are not men capable of carrying out a scheme of color and ornament which would naturally lead up to the large mural painting as the room's chief feature.

What is the remedy for these defects? First, says the author, the architect should use his authority more strongly. Next, every room should be put in charge of one person, who should be responsible for harmonizing all details. Either the architect should not order the pictures until the room is finished, or he should turn over all the decorations of the room to the mural painter.

Such counsels are timely at a period when, as never before in this country, there is an increasing demand for and appreciation of mural painting.

The text is reinforced by many illustrations. They are unfortunately too small in size to be effective. In point of excellence we note especially "The Ascension," by John La Farge, in the Church of the Ascension in New York City, and Wordsworth's "Boy of Winander," by Henry Oliver Walker, in the Library of Congress.

If the book's immediate value lies in the domain of mural painting, its ultimate value lies in the emphasis which it puts on American art in general. Mr. Blashfield points out with much pride and spirit that the work of American painters is National in its intensity and vitality. It is characterized by a notable vigor of handling; indeed, in this respect we are told that Sargent "overtops, in his sheer force, even most of the painters of the past. With him, and with a hundred others, vigor of handling has so entered into our practice and so fascinated our regard that it will, I believe, remain a dominant quality in the art of to-day."

American painters have achieved dexterous and powerful handling of surface. But are they saying with it "America"?—just as Rembrandt said "Holland!" and Rubens "Flanders!" and Giorgione "Italy!"

Yes, replies the author, and adds: "Already our French accent has lessened to the proportions of a tonic to our enunciation—already our landscape painters are national, and of a certainty our portrait painters and sculptors and our mural painters are becoming so." To be convinced of this one has but to enter any of our best exhibitions to-day; he will be struck at once by the quality of tone of the whole as compared to what he would have found there only a few years ago.

If this is true of painting, it will become, we believe, true also of sculpture, and especially of architecture. Why should not our architects ultimately stamp America so that the American when far from home will have their creations in mind, just as the English traveler, away from home, has in memory the dome of St. Paul's, or the French traveler the towers of Notre-Dame, or the Italian traveler the Giotto Campanile? With Mr. Blashfield we await the day when in America, too, we shall have put our best art where it belongs, at the top, in the public building, whether of Church or State. "For we shall have a national school when, and not until, art, like a new Petrarch, goes up to be crowned at the Capitol."

History of the Reconstruction Period. By James Schouler. Dodd, Mead & Co., New York. $2.

The distinctive feature of this, the seventh volume of Professor Schouler's scholarly history of the United States, is its whole-hearted defense of President Andrew Johnson. Writing from personal observation, as well as from a careful study of state papers, Professor Schouler does not hesitate to challenge the unfavorable verdict passed by most historians. Especially he criticises the portrait drawn by Mr. Rhodes, insisting that there is no proof whatever in support of the latter's "cruel statements" regarding Johnson's habits of life. Professor Schouler's own view, in support of which he draws largely on the recently published diary of Gideon Welles, presents Johnson as a really strong and wise man, one whose opinions "were just, enlightened, and such as only a sound and independent statesman could have formed." Professor Schouler is in complete agreement with Mr. Rhodes as to the banefulness of the Military Reconstruction Act, and he bitterly describes the consequences of the Congressional policy as

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"that unhappy era of Southern chaos and distraction." Bitter too, but not without justification, is his account of Grant's Administration. In the matter of the Hayes-Tilden disputed election he frankly puts himself on the side of Tilden, while at the same time conceding that the "iniquitous" victory of Hayes "was probably better, under all the circumstances, for the peace of the country and the safe re-establishment of all the ex-Confederates States as loyal once more." Altogether this is a vigorous, interesting, intimate survey of the distressful period that followed the Civil War.

Faith of Japan (The). By T. Harada. The Macmillan Company, New York. $1.25.

This book contains the substance of a course of lectures delivered at the Hartford Theological Seminary, and is a very intelligent and much-needed exposition of the fundamental points of Japanese religious life, the forms of expression which that life has taken, with an analysis of the spiritual content of Shintoism and of the various forms of Buddhism. It differs from many other books on the subject in that it is not simply an explanation of a group of religions, but an analysis of the central beliefs which are characteristic of Japan.

Dr. Harada, who is President of the eminently useful Christian university founded by Neesima—the Doshisha—has rare qualifications for the writing of such a volume for American readers. He is thoroughly equipped by sympathy with his own people, knowledge of their history and warm personal sympathy with their religious aspirations, and intimate knowledge of their faith. He is also an open-minded and active Christian. American readers will be greatly interested in the concluding chapter of the book, in which the Japanese attitude towards Christianity is analyzed and explained. Dr. Harada divides the educated Japanese who have not accepted Christianity into three classes: The very large group who do not accept any religion, but who are content with an ethical foundation for life. This includes many of the foremost people in Japan. It accords with much of their historical teaching, especially with Confucianism. In the second class Dr. Harada puts a small group who are endeavoring to formulate an eclectic faith which shall include the special features of Christianity, Shintoism, Buddhism, and Confucianism. In the third group he puts those who regard the work of historical religions as finished, and who base the faith of the future on science and idealism. In some respects, as Dr. Harada points out, Christianity seems defective in emphasis on filial piety and loyalty—two qualities to which the older Japanese give the first place. On the other hand, they appreciate the educational methods and interests which are identified with Christianity, and they understand and value its social work and its philanthropy. They are also deeply appreciative of the high character and disinterested spirit of the Christian missionaries and workers. The wise missionaries learned long ago to respect Japanese customs, and to make use of many resemblances between the Christian faith and the older faiths of the Empire. Dr. Harada's book will fill an unoccupied place in the large literature which interprets Japan on the many sides of its life.

History of the Class of 1903, Yale College. Yale University Press, New Haven, Connecticut.

Graduates of Western universities sometimes wonder at the *esprit de corps* cherished in the older institutions of the Eastern States, especially the fraternal tie of classmates. Exhibited in class reunions at Commencement, it takes permanent form in class histories. At Yale these have had a remarkable development, somewhat promoted by class rivalry and by the Association of Class Secretaries. A dozen such, which the present writer has examined, are, like the record in a family Bible, of interest mainly limited to the related parties.

The decennial record of the class of 1903, Yale, is of more interest to the general reader, as introducing, with the customary biographical record, some public personages who in various ways have become a part of the class *memorabilia*. At a dinner given by members of the class after a boat-race, "Buffalo Bill" and the Indian chief Iron Tail, who helped Sitting Bull annihilate General Custer's command, were guests, and so their portraits with autograph messages illustrate the story of the feast. With equal reason other stars similarly adorn the record—Maude Adams and Joseph Jefferson, President Taft and Mark Twain, Dr. Andrew D. White, with a message from "the famous" class of '53; also the class of '39, in the person of its last man, Dr. David F. Atwater, of Springfield, Massachusetts, now in his ninety-seventh year, Yale's oldest living alumnus; and, lastly, Carrie Nation, with her hatchet, signing herself "Your loving home defender."

The autobiographical and statistical memoranda preserved in these class records will supply valuable material to historiographers a hundred years hence. For the present a volume so breezy, vivacious, and copiously illustrated as this possesses an interest much wider than that of the "sons of Eli."

Irish Witchcraft and Demonology. By St. John D. Seymour. Norman, Remington & Co., Baltimore. $1.50.

The author dispels the prevalent belief that the witchcraft delusion never took hold of Ireland. Ireland is full of fairy lore, and witches are common enough in Irish stories, but that there existed a serious belief in the horrors of witchcraft, with consequent persecution of witches, has been denied by most writers. Instances to the contrary are here quoted, ranging from Dame Alice Kyteler, the Sorceress of Kilkenny (A.D.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

1324), down to Mary Butters, the Carnmoney Witch, who was put on trial in 1808. The general subject is a fascinating one to folk-lore students, and this book is a valuable contribution, with queer tales a-plenty.

Reformation in Germany (The). By Henry C. Vedder. The Macmillan Company, New York. $3.

The results of recent research and of a newer historical theory have shed light on the history of the Reformation. The present volume is an attempt to summarize that history in the light of those new facts. Their chief import is economic, and the author applies the economic interpretation of history to the period of the Reformation. One realizes from these pages that the Reformation in fact was the one phase of the social revolution then going on in Europe.

Buddhist Stories. By Paul Dahlke. Translated by the Bhikkhu Silacara. E. P. Dutton & Co., New York. $1.25.

This volume contains five stories which well illustrate certain fundamental Buddhist doctrines, among others renunciation and the suppression of individual desire and passion. The stories are interesting, not only for themselves, but as a contrast to Occidental fiction. They are in the last degree romantic, although not in the Western sense. They are free from the atmosphere of reality which in many English and American novels is only another name for materialism.

Ways of the South Sea Savage (The). By Robert W. Williamson. The J. B. Lippincott Company, Philadelphia. $3.50.

Mr. Williamson's volume will interest students of anthropology. It records the author's observation among the peoples of the Solomon Islands and of New Guinea. Perhaps no regions offer greater facilities for the study of the more primitive races of mankind than do these. Thanks to the efforts of missionaries and the gradual spread of Government control, some of the districts which but a few years ago could be penetrated only by an armed expedition are now, so Mr. Williamson tells us, becoming approachable by the solitary explorer. The descriptions in this book seem descriptions of entirely another world, so accustomed are we to thinking of this world only in terms of America and Europe.

Oxford Book of Spanish Verse, XIIIth Century-XIXth Century (The). Chosen by James Fitzmaurice-Kelly. The Oxford University Press, New York. $2.

Bound in the usual blue-and-gold of the attractive "Oxford Books," this volume presents delightful material in the form of representative Spanish poetry from the thirteenth to the nineteenth century. The ancient poems, beginning with "Razon de Amor," are given without modernization; but from the time of Cervantes, with whom modern Spanish literature may be said to begin, the system of spelling and accentuation authorized by the Royal Spanish Academy has been adopted; hence the charm of the latter part of the book yields itself more readily to the average reader than does the first part. The Introduction by James Fitzmaurice-Kelly adds greatly to the value of this book for the student of Spanish literature; it is an epitome of the history of Spanish verse from an authoritative source.

American Civil War (The). By James Kendall Hosmer. Two vols. Harper & Brothers, New York. $3 net per set.

This is not a new book; it is merely a reprint, in a distinctive binding and under a different title, of Dr. Hosmer's two volumes in the "American Nation" co-operative history of the United States. It is so complete a reprint that even the author and title list published with every volume of the original work is retained. However, as the publishers note, this is a time of special interest in Civil War matters, and Dr. Hosmer's study of the great conflict is certainly informative and authoritative enough to warrant its present reissue.

Antiquities of India. By Lionel D. Barnett. G. P. Putnam's Sons, New York. $4.

This tells us of the history and culture of ancient India—its monuments, rituals, sculpture, architecture, and paintings; the conditions of society, the development and nature of the government, and the empire's historical growth. This is a vast subject, and one feels that the material has been over-compressed. The result is a storehouse of facts rather than a living piece of literature. There are many illustrations.

Guide to Historical Fiction (A). By Ernest A. Baker. The Macmillan Company, New York. $6.

An enlargement and great expansion of the section devoted to historical fiction in the author's well-known "Guide to the Best Fiction." The large page allows a clear arrangement, so that the eye catches easily period, date, title, author, subject, and with each novel-title also is a brief summary or description. Add to this one of the most complete and thorough indexes ever made, and we have a reference book on an admirable plan and scale.

India, Malaysia, and the Philippines. By W. F. Oldham. Eaton & Mains, New York. $1.

Most missionary books are apt to be pietistic. There is plenty of piety about the present volume, but it does not get on one's nerves as have some others. It teems not only with a really religious spirit but with widely informative statements. They are valuable especially in these days when there is increasing comparison between conditions in India and conditions in the Philippines.

When William Came. By H. H. Munro ("Saki"). The John Lane Company, New York. $1.25.

The supposed condition of England under German rule provides Mr. Munro with much scope for his wit and satire.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BY THE WAY

The Bureau for the Safe Transportation of Explosives and other Dangerous Articles states in its seventh annual report that in the year 1907 the number of persons killed by explosives during transportation in the United States was 26, and of injured, 53; while in 1913 there were no persons killed and only 4 injured. The membership of the Bureau comprises 326 railway companies, 11 steamship companies, and 10 express companies.

Prince Henry of Prussia, brother of the Kaiser, is visiting several countries of South America. Prince Henry is well remembered in this country on account of the pleasant impression he made during his visit here a dozen years ago. The presentation by the Kaiser to the United States of the statue of Frederick the Great followed his brother's enthusiastic reception at that time.

A real lover of music is Mr. H. H. Flagler, President of the New York Symphony Society. On his recent re-election to this office he announced his intention to pay personally the annual deficit of the Society. This contribution to the cause of orchestral music will amount this year to about $56,000.

There are now one hundred and one playgrounds connected with the various plants of the United States Steel Corporation, and many others are to be opened during the coming summer. These playgrounds are not restricted to the use of the children of employees, but are open to all children of the neighborhood. The average daily attendance at the playgrounds during the summer months of 1913 was 8,688.

"Bach said that his wife habitually chastised him and that he could stand it no longer." This is not a quotation from a comic opera or a funny paper, but from a report of court proceedings. The report proceeds: "Mrs. Bach proved, however, to the satisfaction of the court that she was frequently justified in administering corporal punishment to her husband, and she was let off with payment of the costs."

The quoted statement in this department in the issue of February 28, attributed to Mr. Theodore Hofeller, of Buffalo, that "old tin cans, cooking utensils, smashed stoves, etc., produced material valued at $114,000,000," should have placed the amount, Mr. Hofeller writes us, at $14,000,000—a much more credible figure. "Good Storekeeping" will please note the correction.

Viscount Bryce, writing appreciatively of the late Goldwin Smith in the "North American Review," says that he first met Professor Smith at Oxford in 1861. "Drawing a chair toward him, I sat down and waited. Presently he said, 'Of what did King John die?' I did not know, and admitted my ignorance. 'He died of a surfeit of peaches and new ale,' said the professor, adding in a reflective tone, 'it would give a man a considerable bellyache;' thereupon he proceeded to deliver, in grave and measured accents, a discourse upon the Angevin Kings and their policy."

German and French aviators on the same day recently made new records—Herr Linnekogel a height record of 20,800 feet, and Monsieur Garoux a passenger-carrying altitude record of 5,280 feet with nine passengers.

"From the time the Santa Cruz left Sandy Hook until she slowed down off Los Angeles Harbor, the engines were run full speed without a stop. The distance is approximately 13,000 miles and the time consumed was 47 days and 4 hours." Is not that a record trip, if not for time, at least for the continuous running of the engines? Think of the difference between the task of managing such a vessel and that of working clippers of the old days, with their endless spreading and reefing of sails, tacking, and waiting for favoring winds!

Pittsburgh is to have a fifteen-story department store covering an entire block—"the largest department store building in the world," it is claimed.

Truly, human nature is made of mingled yarn. While a boy criminal in New York preferred to go to the electric chair rather than serve a twenty-year term in prison, a prisoner in Michigan, aged seventy, refused to leave his prison home when his term expired, and when the officials decided to allow him to stay in jail "the old man was happy as a school-boy in vacation time."

Rich men tire of expensive toys just as children do. "Yachting" contains many pages advertising pleasure yachts for sale. Some of these yachts are of the most palatial character, and have apparently well served their owners' purpose to afford princely entertainment for their friends. One yacht contains twelve rooms for guests, and rooms for doctor, secretary, valet, and maids, besides a music room with organ, and evaporating and refrigerating plants. Think of the cost of running this floating hotel for a season!

A newspaper interview with a bareback rider in a circus portrays the average circus performer as a person of regular habits and with a love of domesticity. "Domestic?" says this woman performer. "Why, there isn't a housewife in the city that sews or cooks or embroiders or mends more industriously than we people of the circus." The various costumes, for which the performers are responsible, need constant attention, hence the necessity for needlework. The fine physical condition required demands regular habits and careful regard to health.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED